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CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. January 13, 2015

City Council Chambers
455 North Main

OPENING OF REGULAR MEETING

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the regular meeting on January 6, 2015

AWARDS AND PROCLAMATIONS

- Service Award

Kurt Peckenschneider
- Excellence Award for Wichita Wastewater Laboratory

Becky Lewis

I. PUBLIC AGENDA

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city clerk prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

1. Don Landis - City 101, a partnership between Wichita Independent Neighborhoods, Inc. and the Wichita Public Library.

II. CONSENT AGENDAS ITEMS 1 THROUGH 21

NOTICE: Items listed under the "Consent Agendas" will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the "Consent Agendas" and considered separately

(The Council will be considering the City Council Consent Agenda as well as the Planning, Housing, and Airport Consent Agendas. Please see "ATTACHMENT 1 – CONSENT AGENDA ITEMS" for a listing of all Consent Agenda Items.)

COUNCIL BUSINESS

III. UNFINISHED COUNCIL BUSINESS

1. Public Hearing and Adoption of Union Station Project Plan. (District I)
(Recessed January 6, 2015)

RECOMMENDED ACTION: Recess the public hearing until February 3, 2015 at 9:00 a.m., or as soon thereafter as the matter can be heard, in the City Council Chambers, to allow additional time for finalization of negotiations.

IV. NEW COUNCIL BUSINESS

1. New Central Library Architectural Services. (District VI)

RECOMMENDED ACTION: Approve the funding agreement with the Wichita Public Library Foundation, authorize GLMV to complete the design development and construction documents, and authorize the necessary signatures.

COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

V. NON-CONSENT PLANNING AGENDA

1. ZON2014-00026 – Zone Change from LC Limited Commercial to LI Limited Industrial Subject to Protective Overlay #292 on Property Located ¼ Mile South of Pawnee Avenue, East of Southeast Boulevard. (District III)
(Deferred January 6, 2015)

RECOMMENDED ACTION: Adopt the findings of the MAPC and approve the requested zone change subject to the development standards contained in Protective Overlay #292 as recommended by MAPC and place the ordinance on first reading (simple majority vote); adopt the findings of the MAPC and approve the request but deny access to Minneapolis Street as recommended by DAB III and place the ordinance on first reading (two-thirds majority vote) or deny the request (two-thirds majority vote).

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VI. NON-CONSENT HOUSING AGENDA

None

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VII. NON-CONSENT AIRPORT AGENDA

None

COUNCIL AGENDA

VIII. COUNCIL MEMBER AGENDA

None

IX. COUNCIL MEMBER APPOINTMENTS

1. Board Appointments.

RECOMMENDED ACTION: Approve the Appointments.

Adjournment

(ATTACHMENT 1 – CONSENT AGENDA ITEMS 1 THROUGH 21)

II. CITY COUNCIL CONSENT AGENDA ITEMS

1. Report of Board of Bids and Contracts dated January 12, 2015.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2014</u>	<u>(Consumption on Premises)</u>
J Larry Fugate	Pizza Hut**	333 East 47th South
Enriqueta Garcia	Tacos Raymundo**	1716 West 21st North
<u>Renewal</u>	<u>2014</u>	<u>(Consumption off Premises)</u>
Anjana Aluthwala	Shop550***	550North Webb Road
Mohammad R Islam	Quick Pick***	3733 North Arkansas Ave

**General/Restaurant (need 50% or more gross revenue from sale of food)

***Retailer (Grocery stores, convenience stores, etc.)

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

3. Preliminary Estimates:

- a. List of Preliminary Estimates.

RECOMMENDED ACTION: Receive and file.

4. Consideration of Street Closures/Uses.

- a. Community Events - Wichita Symphony's Young People's Concerts. (Districts I and VI)

RECOMMENDED ACTION: Approve the request subject to; (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; and (3) Securing a Certificate of Liability Insurance on file with the Community Events Coordinator.

5. Agreements/Contracts:

- a. Hold Harmless Agreement, Easement Encroachment. (District IV)
b. Waterline Relocation Contract for Kellogg and I-235 Interchange. (District IV)
c. Supplemental Design Agreement No. 1 for Improvements to St. Francis and Commerce, between Waterman and Lincoln. (District I)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

6. Contracts and Agreements for December 2014.

RECOMMENDED ACTION: Receive and file.

7. Surplus of City-owned Property at 1001 East Pawnee. (District III)

RECOMMENDED ACTION: Declare the property as surplus and designate it as available for sale to the general public.

8. Child Advocacy Center of Sedgwick County Payment.

RECOMMENDED ACTION: Approve the budget adjustment and payment of \$85,000 to support the Child Advocacy Center.

9. Sidewalk Repair Assessment Program.

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinance on first reading.

10. Abatement of Dangerous and Unsafe Structures. (Districts I, II, III, IV and VI)

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinances on first reading.

11. Nuisance Abatement Assessments, Lot Clean Up.

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinance on first reading.

12. 2014-15 First Program Year Action Plan Second Amendment.

RECOMMENDED ACTION: Approve the second amendment to the 2014-15 First Program Year Action Plan, and authorize the necessary requests for bids/proposals, funding agreements, contracts and signatures.

13. 2015 KLINK and Arterial Street Rehabilitation Program. (Districts IV and VI)

RECOMMENDED ACTION: Approve the revised 2014 project location and budget; approve deferment of the K-42 portion of the project; approve the transfer of the Kellogg portion of the work and budget from 2014 to the 2015 program and budget; approve the 2015 project and budget; adopt the resolution; place the amending ordinance on first reading; and authorize the necessary signatures.

14. Second Reading Ordinances: (First Read January 6, 2015)

a. List of Second Reading Ordinances.

RECOMMENDED ACTION: Adopt the Ordinances.

II. CONSENT PLANNING AGENDA ITEMS

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

15. *SUB2013-00042 -- Plat of French Quarter 2nd Addition Located East of Hydraulic, North of 13th Street North.
(District I)

RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures.

16. *SUB2014-00032 -- Plat of Holy Savior Addition Located on the North Side of 13th Street North, West of Hillside. (District I)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the Resolution.

17. *VAC2014-00031 - Request to Vacate a Portion of a Platted Front Yard Setback, on Property Generally Located Midway Between the Big Ditch Floodway and Interstate Highway I-235, North of Central Avenue on the West Side of Eisenhower Avenue. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

18. *VAC2014-00033 - Request to Vacate a Portion of a Platted Front Yard Setback, on Property Generally Located East of 119th Street West, on the Southeast Corner of Maple Street and Cedar Crest Road. (District IV)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

19. *VAC2014-00036 - Request to Vacate a Portion of Platted Front Yard Setbacks, on Multiple Properties Generally Located North of 29th Street North, East of 119th Street West, on the North Side of Fontana Street, on the East and West Sides of Parkridge Street and the North Portion of Chambers Street. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

20. *A15-01 - Request by Jack H. Hester, Charlene M. Hester, and Vicki A. Hester to Annex Lands Generally Located on the East Side of West Street, Approximately One-Half Mile South of MacArthur Road. (District IV)

RECOMMENDED ACTION: Approve the annexation request, place the ordinance on first reading, authorize the necessary signatures and instruct the City Clerk to publish the ordinance after approval on second reading.

II. CONSENT HOUSING AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

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None

II. CONSENT AIRPORT AGENDA ITEMS

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

21. *Air Capital Terminal 3 (ACT 3) Allowance No. 2 Budget Initiation - Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the project budget.

**City of Wichita
City Council Meeting
January 13, 2015**

TO: Mayor and City Council

SUBJECT: Public Hearing and Adoption of Union Station Project Plan (District I)

INITIATED BY: Office of Urban Development

AGENDA: Unfinished Business

Recommendation: Close the public hearing and approve the first reading of the ordinance.

Background: On October 14, 2014, the City Council adopted an ordinance establishing the boundaries of the Union Station Redevelopment District. The district is southwest of Douglas and Washington; generally bounded on the north by Douglas Avenue, between the railroad tracks and Rock Island. In order to use tax increment financing (TIF) to pay a portion of the costs of a commercial development project in that area, the City Council must adopt a TIF project plan, which provides detailed information on the proposed project and how TIF will be used. The plan also demonstrates how the projected increase in property tax revenue will pay for TIF eligible costs. The action taken by the City Council established 2014 as the base year, from which the increase in property tax revenues (the tax increment) will be measured.

On November 25, 2014, the City Council adopted a resolution stating that it is considering the adoption of the Union Station Project Plan and directing the City Clerk to give notice that a public hearing would be held on the matter on January 6, 2015. With the adoption of the redevelopment project plan, the County Treasurer will be authorized and directed to begin capturing the tax increment and distributing the money to the City to pay project costs.

On January 6, the City Council recessed the public hearing until January 13, 2015 , to allow additional time for finalization of negotiations.

Analysis: K.S.A. 12-1770 *et seq.* sets forth the procedures and requirements for the establishment of a TIF district and the capture of TIF revenue. In order for the County Treasurer to be authorized to set aside the increment of increased property tax revenues collected in the district, to pay for eligible redevelopment costs, the City must adopt a redevelopment project plan that describes the district and the projects being financed with the TIF, and also establishes the financial feasibility of the TIF to finance the public improvements. The statute also directs the City to prepare the redevelopment project plan "in consultation with the planning commission of the city." On November 20, 2014, the Wichita-Sedgwick County Metropolitan Area Planning Commission met to consider the Union Station Project Plan and found that the Plan is consistent with the general comprehensive plan for development of the City.

PROJECT PLAN

The proposed Union Station Project Plan proposes a mixed-use development of almost 275,000 square feet of retail, restaurants, and office space through historic renovation of the existing buildings on the campus, as well as new construction infill. The estimated overall project cost is \$54,000,000. The developer, Union Station LLC, proposes that tax increment financing will be used to pay for eligible redevelopment project costs on a "pay-as-you-go" basis, for City land acquisition of a public access easement, site preparation, infrastructure improvements and parking.

USE OF TAX INCREMENT FINANCING

The development is proposed to be fully financed by the developer through traditional debt and equity financing. Tax increment financing will be used to reimburse the developer for TIF eligible expenses on a

pay-as-you-go basis with tax increment revenue, as available. Upon adoption of the redevelopment project plan the City will have established its authority under state law to reimburse the developer, on a pay-as-you-go basis, for the TIF-funded improvements. The TIF-funded improvements consist of the following:

- **Public Improvements –** \$6,211,700
- **City Acquisition of Public Access Easement –** \$1,500,000
- **Parking Structure –** \$9,609,300
- **Total TIF -** \$17,321,000

The Financial Feasibility Study contained in the Union Station Project Plan examines the County's assessed valuation of the property located within the Union Station Redevelopment District, with respect to the value of the property in the base year (2014) to the year in which planned redevelopment projects will be fully reflected in the County's database of property values. The following table summarizes the revenue side of the analysis:

	2014 Base Year	2020 Projected
Appraised Value	\$1,500,000	\$46,064,600
Assessed Value	\$375,000	\$11,516,150
Captured Value	\$0	\$11,141,150
2013 Mill Levy*	99.101	99.101
First Full Year Tax Increment	\$0	\$1,104,099
Total Tax Increment Collected (2034)	\$0	\$20,117,209

*Aggregate mill levy available for TIF excludes the 20-mill statewide education levy.

Financial Considerations:

Financial Considerations: Since the TIF project will be financed on a pay-as-you-go basis, the City will not issue any debt related to the project. The cost of mailings and publications will be charged to the Economic Development Fund. The Developer has provided a funding agreement, along with a \$10,000 deposit, to cover the City's costs in establishing the district and negotiating a development agreement.

Legal Considerations: The Law Department has reviewed and approved as to form the attached ordinance, which is required for the adoption of a redevelopment project plan under the state tax increment financing statutes. The notice for a public hearing on the City's intent to adopt the redevelopment plan has been given pursuant to law. In order to adopt the redevelopment plan, the ordinance must be approved by a two-thirds majority.

Recommendations/Action: It is recommended that the City Council recess the public hearing until February 3, 2015 at 9:00 a.m., or as soon thereafter as the matter can be heard, in the City Council Chambers, to allow additional time for finalization of negotiations.

Attachments:

Union Station Project Plan
Ordinance adopting the TIF Project Plan

City of Wichita

Union Station Redevelopment District

Union Station
Project Plan

November 20, 2014

Prepared by City of Wichita
Office of Urban Development

I N D E X

1. Comprehensive Financial Feasibility Study
2. Redevelopment District Plan
3. Map and Legal Description of Property to be Redeveloped
4. Relocation Assistance Plan
5. Description of Proposed Redevelopment Project
6. Development Agreement
7. City Council Ordinances and Resolutions
8. Metropolitan Area Planning Commission Resolution

Comprehensive Financial Feasibility Study

*Comprehensive Financing Feasibility Study for the
Union Station Project
within the
Union Station Redevelopment District
City of Wichita, Kansas*

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Assumptions Report	EXHIBIT II
Projected Tax Increment Report	EXHIBIT III

Overview

Sections 12-1770 through 12-1780d of the Kansas Statutes (“the Act”) provide a means for cities to finance all or a portion of public infrastructure and redevelopment costs with incremental real estate and sales taxes. The purpose of the Act is to “promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities, and to assist in the development and redevelopment of blighted areas and deteriorating areas which are not yet blighted, but may be so in the future, located within cities...”.

A city may exercise the powers conferred under the Act provided that the governing body of the city has adopted a resolution finding that the specific area sought to be developed or redeveloped is a blighted area, a conservation area or was designated an enterprise zone prior to July 1, 1992. In addition, the city must find that the conservation, development or redevelopment of such an area is necessary to promote the general and economic welfare of the city.

One or more redevelopment projects may be undertaken within the District. Kansas Statutes require projects to be completed within 20 years from transmittal of the redevelopment project plan pursuant to K.S.A. 12-1776, with the exception of environmental investigation and remediation projects which must be completed within 20 years from the date the City enters into a consent decree with the Kansas Department of Health and Environment or the U.S. Environmental Protection Agency, unless the County and School District have expressly consented to a 10-year extension of the term.

For each redevelopment project undertaken within the District, a redevelopment project plan (“the Project Plan”) must be prepared in consultation with the City Planning Commission. The Project Plan must include the following:

1. A summary or copy of the Comprehensive Financial Feasibility Study.
2. A reference to the statutorily required district plan for the District.
3. A description and map of the area to be redeveloped (“the Project”).
4. The Relocation Assistance Plan (if applicable).
5. A detailed description of all buildings and facilities proposed to be constructed or improved.
6. Any other information the City deems necessary to advise the general public of the intent of the Project Plan.

The Comprehensive Financial Feasibility Study (this document) must show that the benefits derived from the specified redevelopment project will exceed the costs, and that the income therefrom will be sufficient to pay for the applicable project costs. Benefits are determined to be the aggregate revenues of the redevelopment project including increment income, assessment income, interest income, private party contributions and any other available funding sources. Costs are determined to be the total of eligible project expenditures as defined by K.S.A. 12-1770a, including the payment of principal and interest of debt used to finance the redevelopment project.

Pursuant to all the provisions of the Act, The City of Wichita has, by Ordinance No. 49-839 dated October 14, 2014, found a portion of the City was a blighted and that redevelopment of the area is necessary to promote the general and economic welfare of the City. With adoption of Ordinance No. 49-839, the City established and designated such area as the Union Station Redevelopment District ("the District"). The District boundaries are shown in Exhibit I.

The City is currently considering the adoption of a Project Plan for the proposed Union Station Project ("the Project") within the designated Union Station Redevelopment District. The proposed Union Station Development Project is a mixed use development of approximately 10 acres generally located southwest of Douglas and Washington, east of the elevated railroad. The project will consist of almost 275,000 square feet of retail, restaurants, and office space with historic renovation of the existing buildings on the campus, as well as new construction infill. Development will also include construction of a public parking structure with approximately 471 spaces.

The Developer will finance the project, including various public infrastructure improvements. The City will provide public funding in the form of pay-as-you-go financing to reimburse the Developer for TIF eligible expenditures.

General Description of Tax Increment

Property tax increment financing involves the creation of an increment (increase over a base value) in the real estate taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, the total assessed value of all taxable real estate within the district for that year is determined. This valuation is referred to as the district's "Original Assessed Value." Property taxes attributable to the district's Original Assessed Value are annually collected and distributed by the county treasurer to the appropriate city, county, school district and all other applicable taxing jurisdictions in the same manner as other property taxes.

As new development occurs within the redevelopment district, the total assessed value of the district, in any given year, will normally exceed its Original Assessed Value. Property taxes generated by applying the sum of the property tax rates of all applicable taxing jurisdictions to the incremental increase in assessed value (over and above the Original Assessed Valuation) is referred to as the "property tax increment". All property tax increment is collected by the County and distributed to the City to be deposited in a special tax increment fund.

Sales tax increment financing involves the creation of an increment (increase over a base value) in the local sales taxes that are generated from a defined geographic area of a community. Upon establishment of a redevelopment district, a base value of local sales tax collections within the district is determined. As new commercial development occurs within the redevelopment district, sales tax collections are expected to increase above the base value. Pursuant to city law governing the use of local sales tax revenue, the City does not intend to collect incremental sales tax revenues as "sales tax increment".

Tax increment funds may only be used to pay for certain statutorily-defined eligible project costs, including principal and interest on debt issued, in whole or in part, to finance eligible project costs within the redevelopment district. Such financing includes notes, special obligation bonds, full faith and credit tax increment bonds, other debt instruments and pay-as-you-go. The City intends to finance eligible improvements within the district through pay-as-you-go financing. The City will reimburse the developer, through pay-as-you-go financing, for TIF eligible expenses paid for by the developer.

Project Description

The Union Station Development Project will include approximately 10 acres southwest of Douglas and Washington. The Project Area is depicted on the map in Exhibit I. The project will create almost 275,000 square feet of mixed use development. The Developer will rehabilitate the existing structures to historic standards as well as create 80,000 square feet of additional space. Development will include retail, restaurants and office space. Development will also include construction of a 471 space parking structure.

Projected Revenues (Benefits) Captured Assessed Value

It is the City's intention to use the property tax increment generated by the District to reimburse the developer, on a pay-as-you-go basis, for TIF eligible expenses paid for and financed by the developer as well as acquire a public access easement within the Project. The property tax increment is based on the District's increase in assessed value over its Original Assessed Value. The increase in value is expected to be recorded in January in the years 2015-2019 and is referred to as the Captured Assessed Value.

The Total Assessed Value for the Project Area as of January 1, 2020 is estimated to be \$11,516,150. The Original Assessed Value of the Redevelopment District, as assessed in January 2014 for taxes payable in 2014-2015, is \$375,000, according to data provided by the City of Wichita Geographic Information Service Office. Therefore, the Captured Assessed Value of the TIF District as of January 1, 2020 is \$11,141,150.

For the purpose of this analysis, it is assumed that the Total Assessed Value of the District will increase during the life of the project period at the annual inflation rate of 2%.

Property Tax Rates

In order to determine the amount of tax increment generated by the District in any given year, the Captured Assessed Value of the District must be multiplied by the sum of the tax rates for all applicable taxing jurisdictions for that year. For taxes levied in 2013 and payable in 2014, the applicable rate is 99.101 mills as shown below. The State of Kansas rate of 1.5 mills and the statewide education levy of 20 mills are not applicable to TIF and have been omitted from the following total:

<u>Jurisdiction</u>	<u>Mill Rate (2013)</u>
City of Wichita	32.509
Sedgwick County	29.377
USD No. 259	37.215
 TIF-Applicable Mill Rate	 99.101

Projected Property Tax Increment and Other Project Revenue

The projected property tax increment generated by the District is shown in column 9 of Exhibit III. Such projections are based on captured assessed values derived from captured assessed valuations and tax rates as previously discussed. It is assumed that Project construction will begin in 2015 and be completed before the end of 2019, and therefor achieve full valuation by January 1, 2020. It is estimated that in 2020 the property tax increment will be \$933,631.

All tax increment shall be allocated and paid by the Sedgwick County Treasurer to the City Treasurer in the same manner and at the same time as normal property taxes. All such incremental taxes must be deposited in a special fund of the City for the payment of eligible redevelopment costs.

Projected Expenditures (Costs)

A projected budget for the eligible project costs in the Project Area is listed below.

Public Improvements	\$6,211,700
City Access Easement	1,500,000
Parking Structure	<u>9,609,300</u>
	\$17,321,000

All eligible project costs will be financed by the Developer and reimbursed by the City, as TIF revenue is available. TIF revenues will be used to reimburse the Developer for eligible TIF related project costs, to the extent TIF funds are available. No bonds will be issued with this project.

Conclusions

Kansas Statutes require that the Comprehensive Financial Feasibility Study must demonstrate that the benefits derived from the Project will exceed the costs, and that the income therefrom will be sufficient to pay for all eligible project costs. As previously discussed, Exhibit III illustrates the projections of tax increment through the year 2033. TIF revenue will be used on a pay-as-you-go basis, no TIF bonds will be used to finance eligible expenses.

All TIF eligible expenses will be financed by the Developer and reimbursed on a pay-as-you-go basis, as revenue becomes available. As such, this report demonstrates that the revenues (benefits) of the District and Project Area exceed the expenditures (costs).

Proposed Union Station Project Area

City of Wichita, Kansas

Proposed Union Station
Redevelopment District
and Project Area

Property Parcels inside
District

Property Parcels outside
District

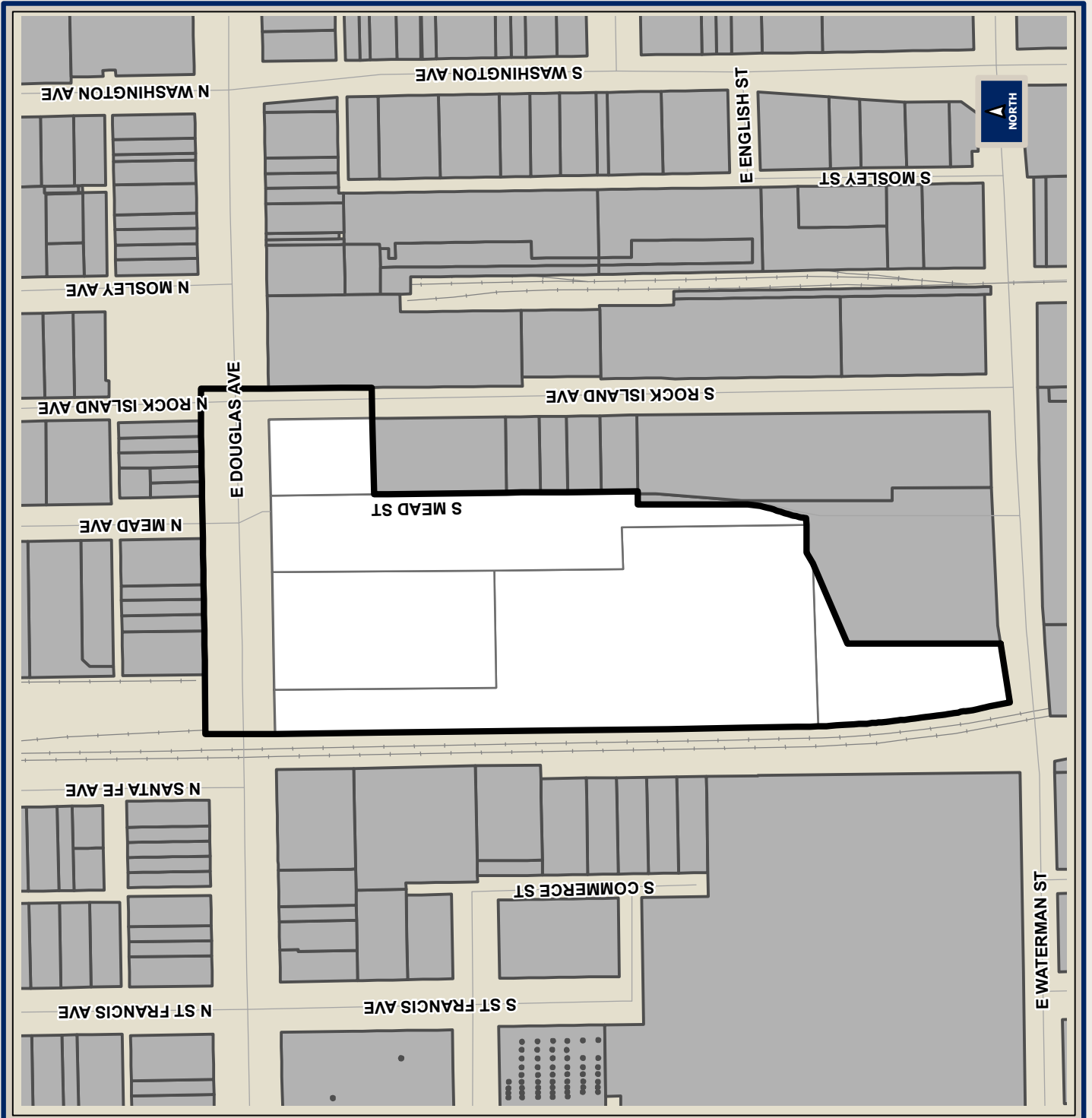
Software: ArcGIS 10.1
Hardware: Dell Precision
Printer: HP 5000 Plotter

Map Data Source:
Property Parcels
provided by
Sedgwick County GIS.

Road Centerlines
provided by
City of Wichita

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It is understood that while the City of Wichita Data Center
Geographical Information Systems Department have no indication
and reason to believe that there are inaccuracies in information
incorporated in the base map, the Data Center GIS per



Assumptions Report

City of Wichita, Kansas
Union Station Redevelopment District
Union Station Project

Description of Project Area	See Map (Exhibit I)
Original Appraised Value (1/1/14)	\$1,500,000
Original Assessed Value (1/1/14)	375,000
2020 Appraised Value (1/1/20)	\$46,064,600
2020 Assessed Value (1/1/20)	\$11,516,150

		TIF
<u>2013 Mill Rates (2014 Pay)</u>	<u>Total</u>	<u>Applicable</u>
City of Wichita	32.509	32.509
Sedgwick County	29.377	29.377
USD No. 259	57.215	37.215
State of Kansas	1.500	NA
Total	120.601	99.101

Property Value Inflation Rate	2%
-------------------------------	----

Projected Tax Increment Revenue Report

City of Wichita, Kansas
Union Station Redevelopment District
Union Station Project

Levy & Appraised Year	Year Taxes Distributed	Total Assessed Value	Original Assessed Value	Captured Assessed Value	Net Increment	Mill Rate	Projected Tax Increment
(1)	(2)	(3)	(4)	(5)	(7)	(8)	(9)
2015	2016	375,000	375,000	-	-	99.101	-
2016	2017	1,004,240	375,000	629,240	629,240	99.101	62,358
2017	2018	3,015,838	375,000	2,640,838	2,640,838	99.101	261,710
2018	2019	4,845,209	375,000	4,470,209	4,470,209	99.101	443,002
2019	2020	7,502,482	375,000	7,127,482	7,127,482	99.101	706,341
2020	2021	9,796,000	375,000	9,421,000	9,421,000	99.101	933,631
2021	2022	11,516,150	375,000	11,141,150	11,141,150	99.101	1,104,099
2022	2023	11,746,473	375,000	11,371,473	11,371,473	99.101	1,126,924
2023	2024	11,981,402	375,000	11,606,402	11,606,402	99.101	1,150,206
2024	2025	12,221,030	375,000	11,846,030	11,846,030	99.101	1,173,953
2025	2026	12,465,451	375,000	12,090,451	12,090,451	99.101	1,198,176
2026	2027	12,714,760	375,000	12,339,760	12,339,760	99.101	1,222,883
2027	2028	12,969,055	375,000	12,594,055	12,594,055	99.101	1,248,083
2028	2029	13,228,436	375,000	12,853,436	12,853,436	99.101	1,273,788
2029	2030	13,493,005	375,000	13,118,005	13,118,005	99.101	1,300,007
2030	2031	13,762,865	375,000	13,387,865	13,387,865	99.101	1,326,751
2031	2032	14,038,123	375,000	13,663,123	13,663,123	99.101	1,354,029
2032	2033	14,318,885	375,000	13,943,885	13,943,885	99.101	1,381,853
2033	2034	14,605,263	375,000	14,230,263	14,230,263	99.101	1,410,233
2034	2035	14,897,368	375,000	14,522,368	14,522,368	99.101	1,439,181
							20,117,209

EXHIBIT III

District Plan

EXHIBIT C
**REDEVELOPMENT DISTRICT PLAN FOR THE REDEVELOPMENT
OF THE UNION STATION REDEVELOPMENT DISTRICT
THROUGH TAX INCREMENT FINANCING**

August 19, 2014

SECTION 1: PURPOSE

A district plan is required for inclusion in the establishment of a redevelopment district under K.S.A. 12-1771. The district plan is a preliminary plan that identifies proposed redevelopment project areas within the district, and describes in a general manner the buildings, facilities and improvements to be constructed or improved.

SECTION 2: DESCRIPTION OF TAX INCREMENT INCOME

Projects financed through tax increment financing typically involve the creation of an “increment” in real estate property tax income. The increment is generated by segregating the assessed values of real property located within a defined geographic area such that a portion of the resulting property taxes flow to the City to fund projects in the redevelopment district, and the remaining portion flows to all remaining taxing jurisdictions. The portion of property taxes flowing to the City is determined by the increase in the assessed value of the properties within the redevelopment district as a result of the new development occurring within the same area. When the current aggregate property tax rates of all taxing jurisdictions are applied to this increase in assessed property value from new development, increment income is generated. Public improvements within the district and other qualified expenditures are funded by the City and repaid over a specified period of time with this increment income. The property taxes attributable to the assessed value existing prior to redevelopment, the “original valuation,” continue to flow to all taxing jurisdictions just as they did prior to redevelopment. This condition continues for the duration of the established district, as defined by statute, or until all eligible project costs are funded, whichever is of shorter duration.

SECTION 3: DESCRIPTION OF THE DISTRICT BOUNDARIES

The property within the proposed district includes all property generally bounded by the railroad right of way on the west, the north right of way line of Douglas Avenue on the north, the east right of way line of Rock Island from Douglas to the south property line of 801 E. Douglas and the east property line of 725 E. Douglas on the east, and the south property line of 801 E. Douglas and south property line of lot 2 of Union Station Addition, in Wichita, Sedgwick County, Kansas; and including all street rights of way within such described areas. The legal description of the proposed district is attached hereto and incorporated herein as Attachment 1.

SECTION 4: BUILDINGS AND FACILITIES

The district is located within Project Downtown and is further identified as a catalyst site for redevelopment. The buildings are part of the 10 acre Union Station complex along the rail corridor. A majority of the buildings were constructed prior to 1950 and are vacant. Design and layout of the buildings creates an economic

obsolescence based on current uses.

The proposed redevelopment district is an area that meets the criteria for designation as a “blighted area” as defined by state law governing the establishment and financing of redevelopment districts. Property within a blighted area is legally eligible for establishment of a redevelopment district.

SECTION 5: REDEVELOPMENT AND PROJECT AREAS

It is anticipated that all property within the district will be designated as the “project area” under the redevelopment project plan, which must be adopted by the City Council by a 2/3 majority vote before the expenditure of any tax increment financing funds. The plans for redevelopment of the project area generally call for a full remodel and update of the five existing structures and development of two additional commercial structures for a total of almost 275,000 square feet of retail, restaurant, and office space. It is further anticipated that the project will include construction of a public parking structure.

Tax increment financing may be used to pay for eligible costs, on a pay-as-you-go basis, for land acquisition and site preparation including utility relocations, public infrastructure improvements, such as streetscape, public parking, utility extensions, landscaping, and public plazas. Tax increment financing may not be used for construction of any buildings owned or leased to a private, nongovernmental entity.

SECTION 6: CONCLUSION

After the establishment of the redevelopment district, any redevelopment projects to be funded with tax increment financing will be presented to the Governing Body for approval through the adoption of a Redevelopment Project Plan. The Project Plan will identify the specific project area located within the established tax increment financing district and will include detailed descriptions of the projects as well as a financial feasibility study showing that the economic benefits out-weigh the costs. The Project Plan must be reviewed by the Metropolitan Planning Commission and submitted to a public hearing following further notification of property owners and occupants, before it can be adopted by a two-thirds majority vote of the Governing Body. Only then can tax increment income be spent on the redevelopment projects.

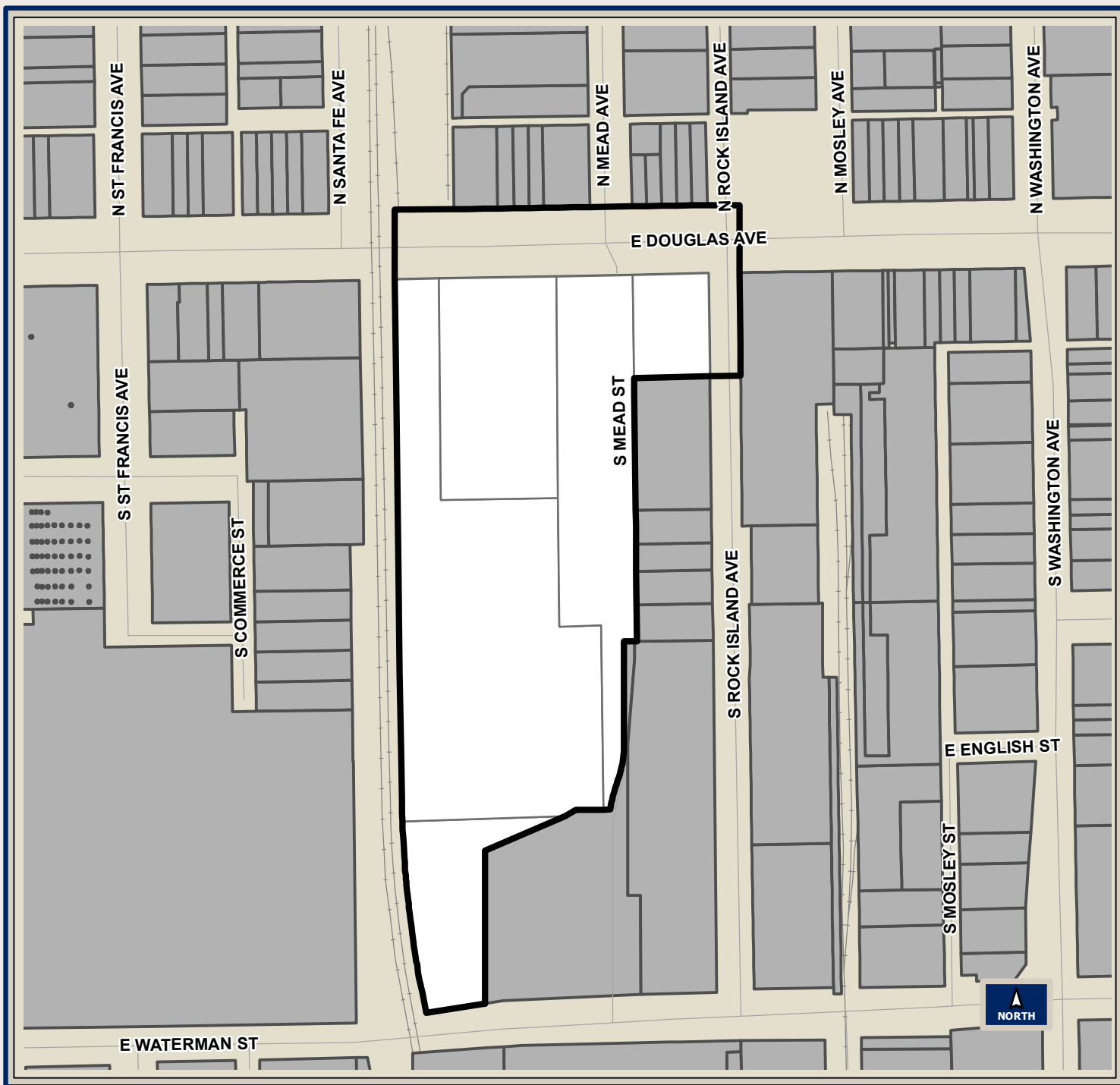
Tax increment financing does not impose any additional taxes on property located within the redevelopment district. All property within the district is appraised and taxed the same as any other property. However, if property within the district increases in value as a result of redevelopment, the resulting increment of additional tax revenue is diverted to pay for a portion of the redevelopment costs.

Attachment 1

LEGAL DESCRIPTION




That part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at the northwest corner of Lot 1, Union Station Addition, Wichita, Sedgwick County, Kansas; thence N0°05'00"W along the extended west line of said Lot 1, 114.00 feet to the North Right of way of Douglas Avenue; thence N89°56'00"E along said north right of way, 580.61 feet to the East Right of Way of Rock Island; thence S00°00'00"W, along said east Right of Way, 114.00 feet to the South Right of Way of Douglas Avenue; thence continuing S00°00'00"W, along said east Right of Way, 170.72 feet; thence S89°56'00"W, 185.00 feet; thence S00°00'00"W, 276.30 feet; thence S89°56'W, 3.22 feet; thence S00°02'21"E, 162.89 feet; thence S89°52'30"W, 17.79 feet; thence S00°00'00"W, 174.09 feet to a point of curvature of a curve to the right, said curve having a radius of 165.00 feet and an arc length of 58.13 feet; chord bearing S10°05'32"W, 57.83 feet; thence along said curve, 58.13 feet to a point of reverse curve of a curve to the left, said curve having a radius of 260.00 feet and an arc length of 49.94 feet; thence along said curve, 49.94 feet; thence S89°22'00"W, 57.02 feet; thence S68°20'30"W, 171.05 feet; thence S00°00'00"W, 253.92 feet; thence S83°50'48"W, 101.63 feet; thence N09°45'00"W, 36.96 feet; to a point of curvature of a curve to the right, said curve having a radius of 1883.87 feet and an arc length of 317.84 feet; chord bearing N04°55'00"W, 317.46 feet; thence along said curve, 317.84 feet to a point of tangency; thence N0°05'00"W, 864.61 feet to the point of beginning.

Map and Legal Description of Property to be Redeveloped



Proposed Union Station Project Area

City of Wichita, Kansas

-  Proposed Union Station Redevelopment District and Project Area
-  Property Parcels inside District
-  Property Parcels outside District

Software: ArcGIS 10.1
Hardware: Dell Precision
Printer: HP 5000 Plotter

Map Data Source:
Property Parcels
provided by
Sedgwick County GIS.

Road Centerlines
provided by
City of Wichita

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It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center-GIS per



**BOUNDARY DESCRIPTION OF THE
UNION STATION REDEVELOPMENT DISTRICT AND THE
UNION STATION PROJECT AREA**

Redevelopment District

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at the northwest corner of Lot 1, Union Station Addition, Wichita, Sedgwick County, Kansas; thence N0°05'00"W along the extended west line of said Lot 1, 114.00 feet to the North Right of way of Douglas Avenue; thence N89°56'00"E along said north right of way, 580.61 feet to the East Right of Way of Rock Island; thence S00°00'00"W, along said east Right of Way, 114.00 feet to the South Right of Way of Douglas Avenue; thence continuing S00°00'00"W, along said east Right of Way, 170.72 feet; thence S89°56'00"W, 185.00 feet; thence S00°00'00"W, 276.30 feet; thence S89°56'W, 3.22 feet; thence S00°02'21"E, 162.89 feet; thence S89°52'30"W, 17.79 feet; thence S00°00'00"W, 174.09 feet to a point of curvature of a curve to the right, said curve having a radius of 165.00 feet and an arc length of 58.13 feet; chord bearing S10°05'32"W, 57.83 feet; thence along said curve, 58.13 feet to a point of reverse curve of a curve to the left, said curve having a radius of 260.00 feet and an arc length of 49.94 feet; thence along said curve, 49.94 feet; thence S89°22'00"W, 57.02 feet; thence S68°20'30"W, 171.05 feet; thence S00°00'00"W, 253.92 feet; thence S83°50'48"W, 101.63 feet; thence N09°45'00"W, 36.96 feet; to a point of curvature of a curve to the right, said curve having a radius of 1883.87 feet and an arc length of 317.84 feet; chord bearing N04°55'00"W, 317.46 feet; thence along said curve, 317.84 feet to a point of tangency; thence N0°05'00"W, 864.61 feet to the point of beginning.

Project Area

That part of the SW1/4 of Sec. 21, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at the northwest corner of Lot 1, Union Station Addition, Wichita, Sedgwick County, Kansas; thence N0°05'00"W along the extended west line of said Lot 1, 114.00 feet to the North Right of way of Douglas Avenue; thence N89°56'00"E along said north right of way, 580.61 feet to the East Right of Way of Rock Island; thence S00°00'00"W, along said east Right of Way, 114.00 feet to the South Right of Way of Douglas Avenue; thence continuing S00°00'00"W, along said east Right of Way, 170.72 feet; thence S89°56'00"W, 185.00 feet; thence S00°00'00"W, 276.30 feet; thence S89°56'W, 3.22 feet; thence S00°02'21"E, 162.89 feet; thence S89°52'30"W, 17.79 feet; thence S00°00'00"W, 174.09 feet to a point of curvature of a curve to the right, said curve having a radius

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Addition and the surplus adjacent on the east, excluding the west 10 feet thereof; and EXCEPT Lots 1, 2, and 3, excluding the north 0.73 feet of Lot 3, H.L. and Annie M. Taylors Addition and the west half of the vacated alley in Block B, H.L. and Annie M. Taylors Addition adjacent thereto.

Relocation Assistance Plan

RELOCATION ASSISTANCE PLAN

(K.S.A. 12-1777)

Assistance for the relocation of persons, families or businesses from property acquired by the City of Wichita in conjunction with the Union Station Redevelopment Project is not required. No persons or families residing in the Union Station Redevelopment District will be displaced as a result of the proposed redevelopment project. All businesses displaced by the Project have been relocated as part of the compensation paid to the businesses as part of the acquisition of real property.

Description of Union Station Project

Union Station Redevelopment District

DESCRIPTION OF PROPOSED UNION STATION PROJECT

The Union Station Project includes approximately 10 acres southwest of Douglas and Washington. The area consists of the Union Station Depot and surrounding buildings and complex southwest of Douglas and Washington, east of the elevated railroad tracks downtown and is referred to as the “Project Area” (see attached district map). The property is currently owned by Union Station LLC and is located within the Union Station Redevelopment District.

Union Station Redevelopment

The Union Station Project will consist of a mixed use development of approximately 275,000 square feet of retail, restaurants and office space. Union Station LLC will redevelop the four existing buildings on the complex, including the Union Station main terminal through historic renovation. The Developer will construct approximately 80,000 square feet of new space on the campus. In addition to the new buildings, a 471 space garage will be constructed on the south end of the Union Station campus.

Site Improvements

Union Station will redevelop the campus by resurfacing parking areas and providing public areas with brick paving and additional details similar to Old Town nearby. A public access easement will be purchased by the City to provide a pedestrian gathering area and access for mobility through the Union Station campus. Additional public infrastructure improvements and a public plaza will be constructed as part of the Union Station Project.

USE OF TAX INCREMENT FINANCING

The City of Wichita has undertaken the legal steps necessary to establish a redevelopment district pursuant to state laws (K.S.A. 12-1770 *et seq.*) in order to use tax increment financing (“TIF”) to reimburse the costs TIF eligible improvements on a pay-as-you-go basis. Upon adoption of this project plan, the City will have established its authority under state law to reimburse the improvements from the incremental increase in property taxes resulting from the redevelopment of the Project Area. The TIF-reimbursed improvements consist of the following:

- **Public improvements** – The Developer will undertake the construction of the infrastructure improvements at an estimated cost of \$6,211,700.
- **City Acquired Public Access Easement** – \$1,500,000
- **Parking Structure** – Construction of 471 space parking structure - \$9,609,300
- **Total TIF-funded costs** – \$17,321,000.

Development Agreement

City Council Ordinances and Resolutions

(Published in *The Wichita Eagle* on

11-28-14

RESOLUTION NO. 14-~~323~~333

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS STATING THAT THE CITY IS CONSIDERING A REDEVELOPMENT PROJECT PLAN WITHIN THE BOUNDARIES OF THE UNION STATION REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 *ET SEQ.*

WHEREAS, by Ordinance No. 49-839, passed October 14, 2014, and published October 17, 2014, the City of Wichita, Kansas (the "City") established a redevelopment district pursuant to K.S.A. 12-1770 *et seq.*, as amended, known as the Union Station Redevelopment District (the "District"), and

WHEREAS, the City, by Resolution No. 14-228 passed August 19, 2014, adopted a redevelopment district plan which identifies proposed redevelopment areas and proposed buildings and facilities to be constructed or improved; and

WHEREAS, the City has prepared a redevelopment project plan for the Union Station Project Area (the "Project Plan"), is negotiating a redevelopment agreement with respect thereto and is considering adoption of the Project Plan; and

WHEREAS, on November 20, 2014, the Wichita Sedgwick County Metropolitan Area Planning Commission reviewed the proposed Project Plan and has adopted a resolution finding that the Project Plan is consistent with the comprehensive plan for the development of the City; and

WHEREAS, the City desires to call and conduct a public hearing under the provisions of the Act to consider approval of the Project Plan.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Project Plan. The City of Wichita, Kansas (the "City") is considering the approval of the Union Station Project Plan (the "Project Plan") for the redevelopment of the Union Station Project Area (the "Project Area") within the Union Station Redevelopment District (the "District"). The proposed Project Plan includes the information required by the Act. The boundaries of the of the District and the proposed Project Area are set forth on *Exhibit A* attached hereto and are described as set forth in *Exhibit B* attached hereto, the provisions of which are incorporated herein by reference.

Section 2. Plan Delivery; Public Records. The City Clerk is directed to deliver a copy of the Project Plan to the Board of County Commissioners of Sedgwick County, Kansas and to the Board of Education of Unified School District No. 259. A copy of the Project Plan and a map of the Project Area to be redeveloped are public records and will be on file and available for public inspection during regular office hours in the office of the City Clerk, City Hall, 13th Floor, 455 N. Main, Wichita, Kansas.

Section 3. Public Hearing; Approval. Notice is hereby given that the City Council of the City will conduct a public hearing to consider the approval of the Project Plan on January 6, 2015, at 9:00 a.m., or as soon thereafter as the matter can be heard, in the City Council Chambers, City Hall, 455 N. Main, Wichita, Kansas. At the public hearing, the City Council will receive public comment on the Project Plan, and may, after the conclusion of such public hearing, consider the passage of an ordinance that makes findings necessary pursuant to the Act for approval of the Project Plan.

Section 4. Notice of Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

(a) a copy of this Resolution shall be mailed by United States certified mail, return receipt requested, within 10 days of this date to: (i) the Board of County Commissioners of Sedgwick County, Kansas; (ii) the Board of Education of U.S.D. No. 259; and (iii) each owner and occupant of land within the proposed Project Area.

(b) a copy of this resolution, specifically including *Exhibits A and B* attached hereto, shall be published once in the official newspaper of the City not less than one week nor more than two weeks preceding the date of the public hearing.

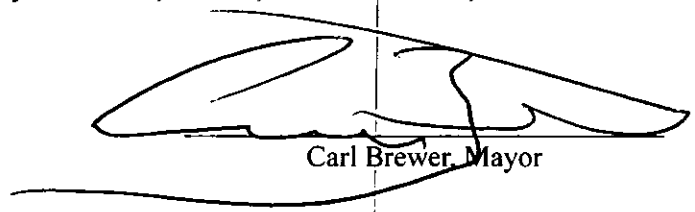
Section 5. Further Authority. The Mayor, City Manager, City Clerk and the other officers and representatives of the City, including the City's bond counsel, are hereby authorized and directed to take such other action as may be necessary, appropriate or desirable to accomplish the purposes of this resolution.

Section 6. Effective Date This Resolution shall be in full force and effect from and after its adoption by the City Council.

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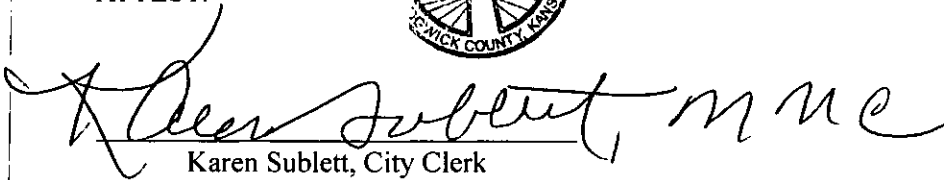
ADOPTED by the City Council of the City of Wichita, Kansas, on November 25, 2014.

(SEAL)



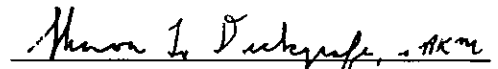
Carl Brewer, Mayor

ATTEST:



Karen Sublett, City Clerk

APPROVED AS TO FORM:



Sharon L. Dickgrafe, Interim Director of
Law and City Attorney

Proposed Union Station Project Area

City of Wichita, Kansas

- Proposed Union Station
Redevelopment District
and Project Area
- Property Parcels inside
District
- Property Parcels outside
District

Software: ArcGIS 10.1
Hardware: Dell Precision
Printer: HP 6000 Plotter

Map Date Source:
Property Parcels
provided by
Sedgwick County GIS

Road Centerlines
provided by
City of Wichita

Thursday, July 21, 2013 9:45:01 PM

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It is understood that while the City of Wichita Data Center
displays information, the Department does not warrant,
represent or assume any liability for the information
displayed in the data map. No Data Center Data is
warranted.

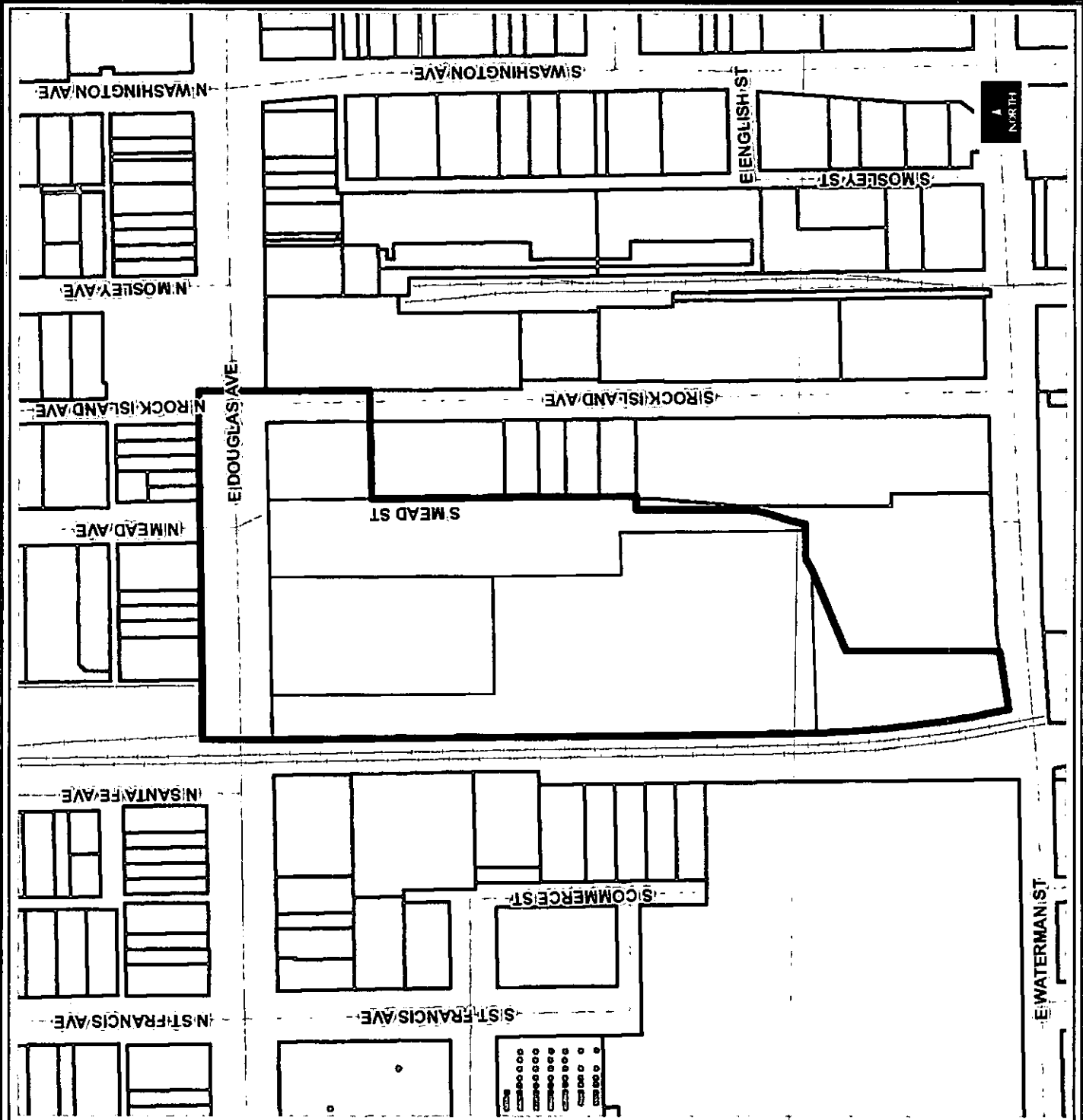
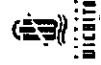


Exhibit B

Legal Description

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CITY COUNCIL PROCEEDINGS

NOVEMBER 25, 2014

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 25, 2014
Tuesday, 09:30 AM

The City Council met in regular session with Carl Brewer, Jeff Blubaugh, James Clendenin, Lavonta Williams, Jeff Longwell, and Pete Meitzner. Absent: Janet Miller.

Staff Members Present: Bob Layton, City Manager, Sharon Dickgrafe, Interim City Attorney, and Janis Edwards, Deputy City Clerk.

[Mayor Brewer called the meeting to order at 9:39 a.m.](#)

[Approve the minutes of the regular meeting on November 4, 2014.](#)

Carl Brewer moved to approve the minutes of the regular meeting on November 4, 2014.
Motion carried 6 to 0

II. [CONSENT AGENDAS ITEMS 1 THROUGH 34](#)

Carl Brewer moved to approve Consent Agenda Items 1 through 34 in accordance with the recommended actions.
Motion carried 6 to 0

VIII. [COUNCIL MEMBER AGENDA - NONE](#)

IX. [COUNCIL MEMBER APPOINTMENTS](#)

1. [Board Appointments - None.](#)

The City Council met in regular session with Carl Brewer, Jeff Blubaugh, James Clendenin, Lavonta Williams, Jeff Longwell, Janet Miller, and Pete Meitzner.

Staff Members Present: Bob Layton, City Manager, Sharon Dickgrafe, Interim City Attorney, and Janis Edwards, Deputy City Clerk.

[RECESS - WORKSHOP](#)

[RECESS - EXECUTIVE SESSION](#)

Carl Brewer moved to recess into Executive Session to consider: Consultation with legal counsel on matter privileged in the attorney- client relationship relating to: pending litigation and that the Council return from Executive Session no earlier than 11:30 a.m. and reconvene in the Board Room on the First Floor of City Hall.

Motion carried 7 to 0

RECONVENE

The City Council reconvened in the Board Room at 11:36 a.m. Mayor Brewer announced that no action was needed or taken as a result of the Executive Session.

Carl Brewer moved to close the Executive Session.

Motion carried 7 to 0

Carl Brewer moved to adjourn the meeting.

Motion carried 7 to 0

ADJOURNMENT

The meeting was adjourned at 11:37 a.m.

Respectfully submitted,

Janis Edwards, CMC

Deputy City Clerk

II. CITY COUNCIL CONSENT AGENDA ITEMS 1 THROUGH 34

1. Report of Board of Bids and Contracts dated November 10, 17, and 24, 2014.

a. List of Board of Bids and Contracts.

Attachment: [Board of Bids](#)

2. Applications for Licenses:

Renewal	2014	Address Norman Massey Jr.
Star Enterprise of Kansas dba Circle Cinema	2570 South Seneca	

3. Applications for Licenses to Retail Cereal Malt Beverages:

Renewal	2014	(Consumption on Premises) Richard J
Renollet	WSUUC dba Rhatigan Student Center**	1845 North Fairmount Renewal
2014		(Consumption off Premises) Kevin Schemm
#96***	5500 East Harry Julia Jackowski	Dillons
#2965***	11931 West Central Avenue Julia Jackowski	Casey's General Store
#3312***	3540 South Meridian Mohammad Arifur Rahman	Casey's General Store
	1161 North Broadway **General/Restaurant (need 50% or more gross revenue from sale of food)	
	***Retailer (Grocery stores, convenience stores, etc.)	

4. Preliminary Estimates - NONE

5. Petitions for Public Improvements:

a. Petitions for Improvements to Davis-Moore 14th Addition. (District II)

Attachment: [Agenda Report No. II-5a](#)

Attachment: [Supporting Documents](#)

Attachment: [Resolution No. 14-320](#)

Attachment: [Resolution No. 14-321](#)

b. Revised Petitions for Improvements to Casa Bella Second and Third Additions. (District II)

Attachment: [Agenda Report No. II-5b](#)

Attachment: [Supporting Documents](#)

Attachment: [Resolution No. 14-322](#)

Attachment: [Resolution No. 14-323](#)

Attachment: [Resolution No. 14-324](#)

6. Agreements/Contracts:

a. Class I Air Emission Source Operating Permit Reporting - Professional Services Contract. (District V)

Attachment: [Agenda Report No. II-6a](#)

Attachment: [Agreement](#)

b. Gilbert and Mosley Groundwater Contamination Site Project - Groundwater Monitoring - Professional Services Contract. (Districts I, III and VI)

Attachment: [Agenda Report No. II-6b](#)

Attachment: [Ground Water Monitoring Agreement](#)

7. Design Services Agreements:

a. Supplemental Design Agreement for Wastewater Treatment Plant 2 Biosolids Facility Improvements. (District III)

Attachment: [Agenda Report No. II-7a](#)

Attachment: [Biosolids Agreement](#)

b. Design Services Agreement for Water Treatment Plant Chemical Feed System Improvements. (District II)

Attachment: [Agenda Report No. II-7b](#)

Attachment: [Agreement](#)

8. Change Order:

a. Change Order No. 6 for Improvements to Southfork Commercial Addition. (District III)

Attachment: [Agenda Report No. II-8a](#)

9. Property Acquisitions:

- a. Approval of Offers for the Reconstruction of the Bridge on 21st Street North at Mosley.
(District VI)

Attachment: [Agenda Report No. II-9a](#)

Attachment: [Map](#)

Attachment: [Tract List](#)

- b. Approval of Offers for the Reconstruction of the Bridge on Douglas Avenue at Linden Drive.
(District II)

Attachment: [Agenda Report No. II-9b](#)

Attachment: [Map](#)

Attachment: [Supporting Document](#)

10. Minutes of Advisory Boards/Commissions

Wichita Airport Advisory Board, October 6, 2014 Board of Building Code Standards and Appeals, October 6, 2014 Joint Investment Committee, October 2, 2014 Board of Appeals of Refrigeration, Air Conditioning, Warm Air Heating and Boiler, October 2, 2014 Board of Appeals of Refrigeration, Air Conditioning, Warm Air Heating and Boiler, November 6th, 2014 Wichita Public Library, October 21, 2014

11. Repair or Removal of Dangerous and Unsafe Structures. (District I) Property Address Council District a. 541 N. Ohio I b. 1128 N. Hydraulic I c. Building North of 1128 N. Hydraulic I d. 1201 E. 12th N. I e. 2047 N. Minnesota I f. 2513 E. Shadybrook I g. 2519 E. Shadybrook I

Attachment: [Agenda Report No. II-11](#)

Attachment: [MABCD Supporting Documents](#)

Attachment: [Resolution Nos. 14-325 to 14- 331](#)

12. Contracts and Agreements for October 2014.

Attachment: [Agenda Report No. II-12](#)

13. Memorandum of Understanding with Wichita Art Museum regarding Construction of Riverview Art Garden.

Attachment: [Agenda Report No. II-13](#)

Attachment: [MOU](#)

Attachment: [Attachment A](#)

14. Water and Sewer Utility Revenue Bonds, Series 2014B.

Attachment: [Agenda Report No. II-14](#)

Attachment: [Resolution No. 14-332](#)

Attachment: [Notice of Sale](#)

Attachment: [Preliminary Official Statement Draft](#)

Attachment: [Preliminary Official Statement Draft](#)

15. Resolution Setting a Public Hearing for Consideration of a Project Plan, Tax Increment Financing for the Union Station Project. (District I)

Attachment: [Agenda Report No. II-15](#)

Attachment: [Resolution No. 14-333](#)

Attachment: [Union Station Project Plan](#)

16. Amended Bonding Resolution. (District I)

Attachment: [Agenda Report No. II-16](#)

Attachment: [Resolution No. 14-334](#)

17. Transfer of City-Owned Land in the 200 Block of South Handley. (District I)

Attachment: [Agenda Report No. II-17](#)

Attachment: [General Warranty Deed](#)

Attachment: [Aerial](#)

18. Sale of City Property at 1556 South Broadway. (District III)

Attachment: [Agenda Report No. II-18](#)

Attachment: [Real Estate Sale Contract](#)

Attachment: [Aerial Map](#)

19. Sale of City Property at the Northeast Corner of Kellogg and Market. (District I)

Attachment: [Agenda Report No. II-19](#)

Attachment: [Real Estate Sale Contract](#)

Attachment: [Aerial Map](#)

Attachment: [Tract Map](#)

20. Sale of City-Owned Building at 2101 East 21st Street. (District I)

Attachment: [Agenda Report No. II-20](#)

Attachment: [Real Estate Sale Contract](#)

Attachment: [Aerial Map](#)

21. Contract Renewal with Sedgwick County for Housing First Funding.

Attachment: [Agenda Report No. II-21](#)

Attachment: [Housing First Contract Renewal](#)

22. Lease of Space at Colvin School. (District III)

Attachment: [Agenda Report No. II-22](#)

Attachment: [Lease of Space at Colvin School \(District III\)](#)

23. Approval of a Cathodic Protection Permit. (District IV)

Attachment: [Agenda Report No. II-23](#)

Attachment: [Aerial Map](#)

Attachment: [Permit](#)

24. Approval of Sublease, Shannon No. 2, LLC. (District IV)

Attachment: [Agenda Report No. II-24](#)

Attachment: [Shannon No. 2 Sublease](#)

25. Amended Agreement for Legal Services with Hite, Fanning and Honeyman L.L.P.

Attachment: [Agenda Report No. II-25](#)

Attachment: [Supplemental Contract](#)

26. Pooled Funds Investment Policy.

Attachment: [Agenda Report No. II-26](#)

Attachment: [Pooled Funds Investment Policy NOV 2014 INVESTMENT POLICY](#)

27. False Alarm Registration and Management Services Contract.

Attachment: [Agenda Report No. II-27](#)

Attachment: [False Alarm Corporation](#)

28. Petition to approve a Community Improvement District for River Vista. (District VI)

Attachment: [Agenda Report No. II-28](#)

Attachment: [Signed petition](#)

Attachment: [Resolution No. 14-335](#)

29. Second Reading Ordinances: (First read November 4, 2014)

List of Second Reading Ordinances.

Attachment: [Agenda Report No. II-29a](#)

II. CONSENT PLANNING AGENDA ITEMS

30. *SUB2013-00053 -- Plat of Wichita Crossing Addition located on the Southeast Corner of K-96 Highway and Greenwich Road. (District II)

Attachment: [Agenda Report No. II-30](#)

Attachment: [Supporting Document](#)

Attachment: [Ordinance No. 49-888](#)

31. *SUB2014-00030 -- Plat of QuikTrip 16th Addition located on the Southwest Corner of Hydraulic and 47th Street South. (District III)

Attachment: [Agenda Report No. II-31](#)

Attachment: [Supporting Documents](#)

Attachment: [Resolution No. 14-336](#)

32. *A14-06 - Request by JEDCO, LLC to Annex Lands Generally Located at the Northeast Corner of 31st Street South and 119th Street West. (District IV)

Attachment: [Agenda Report No. II-32](#)

Attachment: [Map](#)

Attachment: [Ordinance No. 49-889](#)

II. CONSENT HOUSING AGENDA ITEMS - NONE

II. CONSENT AIRPORT AGENDA ITEMS

33. *EagleMed, LLC - Amendment No. 4 - Wichita Mid-Continent Airport.

Attachment: [Agenda Report No. II-33](#)

Attachment: [Amendment No. 4](#)

34. *WAA Report of Board of Bids and Contracts dated November 24, 2014.

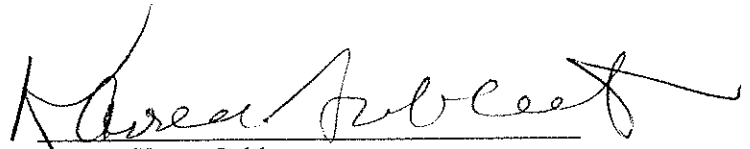
Attachment: [Board of Bids](#)

CERTIFICATE OF DELIVERY

I, Karen Sublett, City Clerk for the City of Wichita, Kansas (the "City"), do hereby certify that on November 26, 2014, the City Manager's office delivered a copy of the **Union Station Redevelopment District – Union Station Project Plan, dated November 20, 2014**, to the Sedgwick County, Kansas Board of County Commissioners and to the U.S.D. No. 259 Board of Education. A copy of the letter delivering the **Union Station Redevelopment District – Union Station Project Plan** is attached hereto.

Dated: January 2, 2015





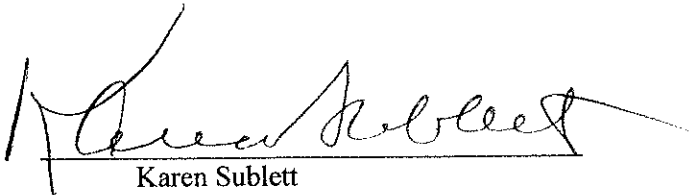
Karen Sublett
City Clerk

CERTIFICATE OF MAILING

I, Karen Sublett, City Clerk for the City of Wichita, Kansas (the "City"), do hereby certify that on November 26, 2014, the City Manager's office sent a copy of **Resolution No. 14-333** via certified mail, return receipt requested, to each owner and occupant of land within the proposed redevelopment project area described in the resolution. Copies of the certified mail receipts are attached hereto.

Dated: January 2, 2015




Karen Sublett
City Clerk

Metropolitan Area Planning Commission Resolution

RESOLUTION

A RESOLUTION OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION FINDING THAT THE CITY OF WICHITA, KANSAS REDEVELOPMENT PROJECT PLAN FOR THE UNION STATION PROJECT AREA IS CONSISTENT WITH THE COMPREHENSIVE GENERAL PLAN FOR THE DEVELOPMENT OF THE CITY OF WICHITA, KANSAS.

WHEREAS, by Ordinance No. 49-839, passed October 14, 2014, and October 17, 2014, the City of Wichita, Kansas (the "City") established a redevelopment district pursuant to K.S.A. 12-1770 *et seq.*, as amended, known as the Union Station Redevelopment District (the "District"), and

WHEREAS, the City proposes to undertake a Redevelopment Project within the District, consisting of the resurfacing of parking areas, providing public areas, construction of a public parking garage, acquisition of a public access easement and related site and public improvements (the "Project"), all in conjunction with development of commercial structures by a private developer within the defined Project Area of the District (the "Project Area") as set out in a proposed Redevelopment Project Plan for Union Station Project Area, dated November 20, 2014 (the "Project Plan") in accordance with the Act and is considering the adoption of the Project Plan; and

WHEREAS, a relocation assistance plan under K.S.A. 12-1777 is not required within the Redevelopment Project Plan; and

WHEREAS, the Act provides that any city proposing to undertake a redevelopment project within a redevelopment district shall prepare a redevelopment project plan in consultation with the planning commission of such city; and

WHEREAS, the City's proposed Project Plan has been presented to and reviewed by the Wichita-Sedgwick County Metropolitan Area Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION:

SECTION 1. It is hereby, after due consideration, found that the Project Plan is consistent with the comprehensive general plan for the development of the City.

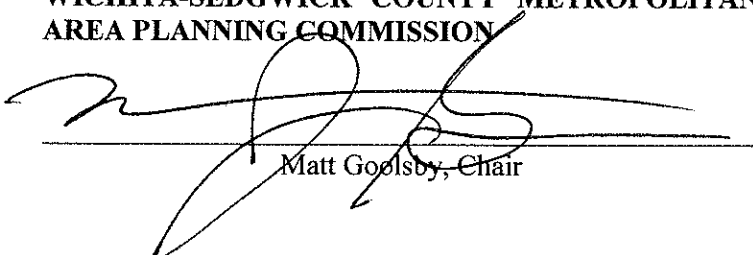
SECTION 2. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the Wichita-Sedgwick County Metropolitan Area Planning Commission on November 20, 2014.

**WICHITA-SEDGWICK COUNTY METROPOLITAN
AREA PLANNING COMMISSION**

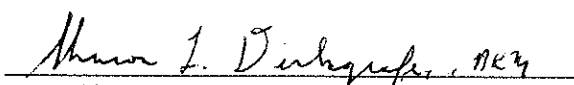
(Seal)


Matt Goolsby, Chair

ATTEST:


John L. Schlegel, Secretary

APPROVED AS TO FORM:


Sharon L. Dickgrafe, Interim Director of
Law and City Attorney

(Published in *The Wichita Eagle* on January 16, 2015)

ORDINANCE NO. 49-_____

AN ORDINANCE ADOPTING A REDEVELOPMENT PROJECT PLAN FOR THE UNION STATION PROJECT AREA LOCATED WITHIN THE UNION STATION REDEVELOPMENT DISTRICT.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

WHEREAS, by Ordinance No. 49-839, passed October 14, 2014, and published October 17, 2014, the City of Wichita, Kansas (the “City”) established a redevelopment district pursuant to K.S.A. 12-1770 *et seq.*, as amended, known as the Union Station Redevelopment District (the “District”), and

WHEREAS, the City has prepared a redevelopment project plan entitled “Union Station Project Plan for Union Redevelopment District, dated November 20, 2014” (the “Project Plan”) in accordance with the Act, which includes, but is not limited to, land acquisition, site preparation, utility relocation and extension, public infrastructure improvements, landscaping, public plazas and a public parking structure (collectively, the “Project”) to be undertaken in conjunction with the development by a private developer of a mixed use development of approximately 275,000 square feet of renovation of existing buildings and new construction of retail, restaurants, office space, located on approximately 10 acres within the Union Station Project Area of the District (the “Project Area”) and is considering adoption of the Project Plan; and

WHEREAS, on November 20, 2014, the Wichita Sedgwick County Metropolitan Area Planning Commission reviewed the proposed Project Plan and has adopted a resolution finding that the Project Plan is consistent with the comprehensive plan for the development of the City; and

WHEREAS, pursuant to the requirements of the Act and Resolution No. 14-333, adopted November 25, 2014, the Governing Body set a public hearing to consider the adoption of the Project Plan on January 6, 2015, at 9:00 a.m. or as soon thereafter as the matter could be heard, at the City Council Chambers in City Hall, 455 N. Main, Wichita, Kansas; and

WHEREAS, notice of such public hearing was provided as required by the Act; and

WHEREAS, on January 6, 2015, the public hearing was opened, public comment was received by the Governing Body and the public hearing was closed; and

WHEREAS, the Governing Body is authorized by the Act to adopt the Project Plan by ordinance passed by not less than two-thirds vote of the Governing Body.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Project Plan Approval. The Project Plan for the redevelopment of the Project Area within the District, together with all attachments and exhibits thereto, which is on file in the office of the City Clerk, is hereby adopted.

Section 2. Effective Date This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by not less than two-thirds vote of the City Council of the City of Wichita, Kansas, on January 13, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe, Interim Director of
Law and City Attorney

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CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 49-____ (the “Ordinance”) of the City of Wichita, Kansas (the “City”); that said Ordinance was passed by not less than two-thirds vote of the City Council on January 13, 2015, that the record of the final vote on its passage is found on page ____ of journal ____; that it was published in the official newspaper of the City on January 16, 2015; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: January 16, 2015.

Karen Sublett, City Clerk

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

SUBJECT: New Central Library Architectural Services (District VI)

INITIATED BY: Wichita Public Library *Cynthia Berner*

AGENDA: New Business

Recommendation: Approve the funding agreement and authorize completion of design development and construction documents.

Background: The 2006-2021 Wichita Public Library System Master Plan was adopted by the Library Board of Directors on August 15, 2006 and endorsed by the City Council on September 12, 2006. On November 6, 2007, the City Council adopted a \$30,000,000 bonding resolution and initiated the Capital Improvement Project (CIP) for a new Central Library. A Real Estate Purchase Contract and Lease Agreement to acquire property at 711 West 2nd Street as the location for the new Central Library was approved by the City Council on June 3, 2008. On April 21, 2009, the City Council approved a contract with HBM Architects for building programming. A supplemental contract with the same firm to test the feasibility of modifying the building program into a phased construction project was approved by the City Council on May 15, 2012. The modified building program was approved by the Library Board of Directors on April 16, 2013 and presented to the City Council during a workshop on April 23, 2013. On July 9, 2013, the City Council authorized release of a request for qualifications for design services for the proposed facility. A multi-phase contract for design services with GLMV Architects was approved by the City Council on May 13, 2014. An initial engagement phase to include schematic design and preliminary design development was authorized at that time with remaining phases requiring additional authorization of the City Council prior to implementation.

Analysis: A Steering Committee comprised of the City Council, Library Board of Directors and staff representatives from the Information Technology, Library, Park & Recreation, Planning, Police, Public Works & Utilities and Transit departments has guided plans created during the initial engagement phase. A week of charrette sessions in June 2014 validated the modified building program, assessed the adequacy and efficiency of the current Central Library facility to provide spaces outlined in the building program, compared the building program with current trends in the library industry, identified the scope and use of technology of the building in relation to program requirements, and developed a refined concept floor plan, exterior massing models and site plans with estimated project costs. The week included a series of community engagement sessions as well as meetings with the Steering Committee. At the conclusion of the charrette, it was the consensus of the Steering Committee that the changing role of the Central Library into an advanced learning center would be most effectively fulfilled through new construction rather than through efforts to renovate the current library building.

Following the charrette, a series of design concepts were created and evaluated by the Steering Committee and reviewed with the Design Council. From these sessions, schematic concepts from the building program were incorporated into the building design massing model preferred by the Steering Committee and Design Council. At the same time, an updated schematic design aligned with the building design was completed. During the process, cost estimating was completed to assess construction cost projections in relation to the \$30 million Capital Improvement Program project budget.

Financial Considerations: The most recent cost estimates for the project are \$22,900,000 for building construction and site work, \$3,500,000 for building technology and furnishings, \$2,247,250 for administrative costs and professional fees and \$1,853,500 for contingency and moving expenses. This is 1.7% above the project's \$30,000,000 CIP authorization. If authorization is given to complete the design development and construction documents, this overage will be addressed before completion of the construction documents by evaluating alternatives including a cost benefit analysis of moving currently planned basement storage, mechanical and storm shelter areas to the main level and/or small changes to the building footprint.

As outlined in the design contract with GLMV Architects, costs for completion of design development are capped at \$298,964 plus reimbursable expenses not to exceed \$12,500. Creation of construction documents will cost \$797,572 plus reimbursable expenses not to exceed \$22,000.

The Wichita Public Library Foundation has offered to reimburse costs of the design development and construction document phases of the project. Under terms of the proposed agreement, \$500,000 would be payable to the City in 2015. The remaining \$631,036 would be paid in 2016 on the condition that bids for construction of the new library have been solicited prior to the end of 2015.

The adopted 2011-2020 CIP includes \$18,000,000 in 2014 and \$12,000,000 in 2015 for this project.

Legal Considerations: The Law Department has reviewed and approved the agreement with the Wichita Public Library Foundation as to form.

Recommendation/Action: It is recommended that the City Council approve the funding agreement with the Wichita Public Library Foundation, authorize GLMV to complete the design development and construction documents, and authorize the necessary signatures.

Attachments: Memorandum of Understanding.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into on this 13th day of January, 2015 between the **WICHITA PUBLIC LIBRARY FOUNDATION**, a Kansas Not-for-Profit Corporation (Foundation) and the **CITY OF WICHITA**, a Kansas Municipal Corporation (City) regarding the construction of a new central library facility located at the intersection of Sycamore and West Second Street in Wichita, Kansas.

WHEREAS, the Foundation will initiate a fundraising campaign to procure funding for the development of design work and construction drawings for the new central library facility. The cost of the this phase of the project is approximately 1.1 million dollars (\$1,100,000).; and

WHEREAS, it is the intent of the City and the Foundation to work together in cooperation and partnership with each other toward the completion of the new central library facility.

AGREEMENT

NOW, THEREFORE, for the reasons and consideration of the conditions, covenants and agreements set forth below, Foundation and the City agree as follows:

1. Relationship between the Parties. The parties agree that the relationship of the parties is between two separate and independent entities. There is not a joint venture, partnership, employer/employee or principle/agent relationship.
2. Project Financing. The parties agree that all direct costs associated with the preparation of design work and construction drawings for the new central library facility will be funded by the City from CIP funds, and that the Foundation will reimburse the City on a schedule set forth in this document.

3. Scope of Agreement.

City's Responsibilities:

- a. City agrees to provide for the payment of design work and preparation of construction documents for the new central library facility from Capital Improvement Plan funding already initiated for that purpose. This work is to be completed by the design team already contracted for that purpose.
- b. City agrees that it will supervise the development of construction documents and undertake all administrative preparations necessary to have advertised for bids from general contractors on or before December 31, 2015.
- c. City agrees to allow the Foundation the right to review and verify all financial statements, bills and invoices regarding the design work and preparation of construction drawings for the new central library facility.

Foundation's Responsibilities:

- a. The Foundation agrees to diligently undertake a fund raising campaign and actively solicit financial support for continued development of the new central library facility project.
- b. The Foundation agrees to provide the City reimbursement from these solicited funds the sum of five hundred thousand dollars (\$500,000.) by December 31, 2015. The Foundation agrees to provide this sum to the City as partial reimbursement for its design work and construction document efforts, regardless of the date of bidding the construction work for the project.

c. If the City successfully solicits construction bids by December 31, 2015, the Foundation agrees to provide the City an additional reimbursement in the sum of six hundred thirty-one thousand and thirty-six dollars (\$631,036) to be paid by December 31, 2016, making a total Foundation contribution of one million one hundred thirty-one thousand and thirty-six dollars (\$1,131,036) for this phase of the new central library facility project.

4. Dispute Resolution and Governing Law. The parties agree to undertake a mediated resolution of any dispute between the parties prior to utilizing any other remedies that are available at law. The law of the State of Kansas shall govern this Agreement, and venue shall lie in the Eighteenth Judicial District Court, Sedgwick County, Kansas.

5. Indemnification. To the extent allowed by the Kansas Tort Claims Act, the parties each agree to indemnify and hold harmless the other, its governing board or body, officers, agents and employees against any and all claims, damage, liability, injury, expense, demands, causes of action, or judgments arising out of or resulting from the negligent acts of its officers, agents or employees. In the event such loss is proximately caused by the acts of the parties and their officers, agents or employees, each shall be responsible for its proportionate share of claimant's damages. It would allow Foundation to avoid its defense obligations and payment obligation up to the cap in almost every instance.

6. Assignment and novation. The parties agree that this MOU may be assigned with the prior approval of both parties hereto, but not otherwise, and that such assignment shall relieve assigning party of all responsibility and liability hereunder for future acts pursuant hereto.

7. Complete Agreement. The parties agree that this MOU constitutes the entire agreement of the parties and that no prior agreement or representations, oral or written, shall be

binding or of any force or effect regarding future phases of the new central library facility project. Further, this MOU may not be amended, modified, altered or enlarged except in a writing signed by the duly authorized representatives of the parties hereto, their successors or assigns.

8. Agreement Binding. The parties agree that this MOU shall be binding upon the successors and legal representatives of the parties hereto.

9. Notices. All notices with respect to this MOU shall be given by first-class mail or hand-delivery to the parties as follows:

City

Robert L. Layton
City Manager
City Hall – 13th Floor
455 N. Main
Wichita, Kansas 67202

Foundation

Don Barry
President
Wichita Public Library Foundation
223 S. Main
Wichita, Kansas 67202

10. Severability. If any term, provision, covenant or condition of this MOU is ruled invalid, void or unenforceable by a court of competent jurisdiction, this MOU will nevertheless remain in full force and effect as to all remaining terms, provisions, covenants and conditions hereof.

11. Disposition of Improvements to Structure and Use of Structure. All real estate improvements developed through use of the design and construction documents described herein and made a part of this project, and all personal property described or forecast as part of such documents that may be later incorporated into the project shall be and remain the property of the City of Wichita.

12. Non-discrimination. The parties shall comply with all applicable requirements of the City of Wichita Revised Non-Discrimination and Equal Employment /Affirmative Action Program Requirements Statement for Contracts or Agreements incorporated herein by reference.

13. Cash Basis and Budget Laws. This MOU is subject to the provisions of the Cash Basis Law (K.S.A. 10-1112 and 10-1113) and the Budget Law (K.S.A. 79-2935) of the State of Kansas, and shall be construed and interpreted in such a manner as to ensure the parties shall at all times remain in conformity with such laws.

CITY OF WICHITA

WICHITA PUBLIC LIBRARY FOUNDATION

Carl Brewer, Mayor

Don Barry, President

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Sharon L. Dickgrafe, Interim City Attorney

Background: The applicants are seeking Limited Industrial (LI) zoning on a site that is currently zoned Limited Commercial (LC), Two-Family Residential (TF-3) and subject to development standards established by a Board of Zoning Appeals (BZA) “variance” discussed in the “case history” section. The applicant is of the opinion that rezoning the site to the LI district would make the property more attractive to a larger set of potential users than if the site remains zoned LC and subject to the site’s current development standards.

The application area contains 5.03 (219,106.8 square feet) acres that are located on the east side of Southeast Drive, approximately 600 feet south of East Pawnee Avenue. At this location Southeast Drive serves as a frontage road for Southeast Boulevard/Kansas Highway K-15. The application area has direct frontage on Southeast Drive, South Minneapolis Street and East Glenn Oaks Street, and has three addresses. 2530 and 2536 Southeast Drive are zoned Limited Commercial (LC) and occupy all of the application area except the small lot located in the extreme southeast corner. The property addressed as 2539 South Minneapolis Avenue (the small lot located in the extreme southeast corner of the application area) is zoned TF-3. The LC zoned property is developed with a large commercial building that was formerly a bakery (approximately 52,733 square feet) and other associated bakery uses such as a retail outlet (3,306 square feet), parking and tractor-trailer storage. The TF-3 zoned property is developed with a single-family residence built in 1959. A screening wooden fence is located along the LC zoned portion of the application area, but not along the TF-3 zoned property. The application area occupies all of the southern part of the block located south of East Pawnee Avenue, east of Southeast Drive, west of South Minneapolis Street and north of East Glenn Oaks Drive, except for a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street. The site has been vacant for approximately six months to a year.

Land located to the north of the subject site is zoned LC, and is a mostly vacant retail sales strip center that used to contain a grocery store as an anchor tenant. Land to the east is zoned MF-29 Multi-Family Residential (MF-29) or SF-5 Single-Family Residential (SF-5), and is developed with single family residences. To the south is a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street that is zoned TF-3, and is developed with a single-family residence. Farther south, across East Glenn Oaks Drive, are two lots zoned TF-3 as well as several other lots zoned SF-5 that are developed with single-family residences.

The LI district permits a wide range of non-residential uses; residential uses are not permitted in the LI district. Some of the uses permitted by right in the LI district that are not permitted in the LC district are: “wholesale or business service,” “welding or machine shop,” “warehouse,” “vehicle storage yard,” “research services” or “manufacturing, general.”

In contrast to the LI district, the current zoning code requires “conditional use” approval in the LC district to permit “manufacturing, limited” and such uses are subject to the following development standards contained in Unified Zoning Code (UZC) Article III, Section III-D.6.m: 1) the gross floor area of the building housing the limited manufacturing use shall not exceed one square foot of floor area to three square feet of lot area; 2) the minimum setback of any building from any property line shall be 30 feet; 3) no outdoor storage is permitted; 4) all parking and loading spaces shall be paved with concrete or asphalt and must not cover more than one-half of required open space and 5) the maximum number of employees on any one shift shall not exceed 15 per acre of lot area. Currently, “bakeries engaged in large scale production and wholesale distribution” are defined as “manufacturing, limited” and require LI zoning and are not permitted in the LC district (UZC, Article II, Section II-B.8.e). If the site does not remain vacant for more than two years, the bakery use or a use of equal or lesser intensity could occupy the site as a nonconforming use.

Analysis: On November 20, 2014, the Metropolitan Area Planning Commission (MAPC) reviewed the application. One area resident spoke in opposition, stating that the requested change from LC to LI zoning was too great a jump in zoning districts. The speaker also indicated that the bakery was a good neighbor; a different manufacturing use might not fit in as well. Another person asserted that the neighborhood as a whole did not object to the request provided that some assurances regarding noise

abatement and adherence to OSHA regulations were provided. The MAPC approved (8-0) the request subject to the following provisions of Protective Overlay #292:

1. Maximum building coverage is limited to one-third the site's total land area (72,962.56 square feet).
2. Minimum building setbacks are: 100 feet from the south and east property line, 30 feet from the west property line and zero or five feet on the north.
3. No outside storage is permitted except for vehicles used to conduct business activities located on-site.
4. Vehicle parking, loading, display or storage areas are to be paved per Unified Zoning Code standards and cannot cover more than one-half of the site's total area.
5. No noxious odors or undue noise shall be detected at the property line.
6. Access to Minneapolis shall be limited to the two existing alleys located at the north and south property lines.
7. Screening fencing shall be located along the east and south property line.
8. Outdoor trash and debris is to be regularly removed from the site. Dumpster or trash enclosures shall be screened from ground level view, and shall be located at least 20 feet from property used for residential purposes.
9. No ground signs are to be located along the east or south property lines. No wall or building signs shall be permitted on the east or southern building facades. No off-site signs or billboards are permitted. When located within 100 feet of East Glenn Oaks Drive, signage located along Southeast Drive shall not be lighted between the hours of 7:00 p.m. and 6:00 a.m.
10. Outdoor lighting is to be shielded and directed away from residential areas.
11. No sound projecting devices are to be used outside of any structure.
12. The site shall be developed, maintained and operated in compliance with the provisions of this Protective Overlay, and all other applicable federal, state or local ordinances, codes or regulations, including but not limited to: zoning, fire, building, sanitation, landscape or drainage.
13. The site permits all uses permitted by right in the Limited Industrial zoning district except the following uses shall be prohibited: "outdoor storage as a principal use"; "gas and/or fuel storage and sales"; manufacture, storage or sale of fireworks; "construction burn site, limited"; "asphalt or concrete plant, limited"; "teen club in the city"; "tavern and drinking establishment"; "sexually oriented business in the city"; "recreation and entertainment, outdoor"; "nightclub in the city"; "correctional placement residence, limited and general" and "correctional facility."

On December 3, 2014, District Advisory Board (DAB) III heard the case. Two homeowners objected to allowing trucks from the application area to have access to Minneapolis Street. The homeowners asserted that Minneapolis Street was too narrow to allow semi-tractor trailer truck traffic, and trucks from the old bakery and the shopping center located to the north had broken the concrete paving on at least one driveway and on the curb located in front of a home. Another speaker was concerned with cut-through traffic from Harry Street using Minneapolis Street as a shortcut, and wanted a "stop" sign to be installed at the intersection of Glen Oaks Street and Minnesota Street. The DAB recommended approval of the request subject to the recommended protective overlay, but modified Protective Overlay #292 development standard number six to state that there be "no access from the site to Minneapolis Street."

No official protests were received. The MAPC recommendation may be approved by a simple majority vote. The DAB III recommendation may be approved by a two-thirds majority vote to override the MAPC recommendation to continue to allow access to Minneapolis Street.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the requested zone change subject to the development standards contained in Protective Overlay #292 as recommended by MAPC and place the ordinance on first reading (simple majority vote); adopt the findings of the MAPC and approve the request but deny access to Minneapolis Street as

recommended by DAB III and place the ordinance on first reading (two-thirds majority vote) or deny the request (two-thirds majority vote).

Attachments: MAPC minutes, DAB memo and ordinance.

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2014-00026

Zone change request from TF-3 Two-family Residential (TF-3) and LC Limited Commercial (LC) to LI Limited Industrial (LI) described as Lot 10 and the half vacated alley adjacent on the South and East, Fred P. Mosteller Addition to Wichita, Sedgwick County, Kansas, and Lot 1, Rainbow Baking Co. Addition to Wichita, Sedgwick County, Kansas, and Lots 1 and 2 and the half vacated alley adjacent on the West and North, Block 1, together with Lot 3, Block 1, Murphy Addition to Wichita, Sedgwick County, Kansas.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #292:

1. Maximum building coverage is limited to one-third the site's total land area (72,962.56 square feet).
2. Minimum building setbacks are: 100 feet from the south and east property line, 30 feet from the west property line and zero or five feet on the north.
3. No outside storage is permitted except for vehicles used to conduct business activities located on-site.
4. Vehicle parking, loading, display or storage areas are to be paved per Unified Zoning Code standards and cannot cover more than one-half of the site's total area.
5. No noxious odors or undue noise shall be detected at the property line.
6. Access to Minneapolis shall be limited to the two existing alleys located at the north and south property lines.
7. Screening fencing shall be located along the east and south property line.
8. Outdoor trash and debris is to be regularly removed from the site. Dumpster or trash enclosures shall be screened from ground level view, and shall be located at least 20 feet from property used for residential purposes.
9. No ground signs are to be located along the east or south property lines. No wall or building signs shall be permitted on the east or southern building facades. No off-site signs or billboards are permitted. When located within 100 feet of East Glenn Oaks Drive, signage located along Southeast Drive shall not be lighted between the hours of 7:00 p.m. and 6:00 a.m.
10. Outdoor lighting is to be shielded and directed away from residential areas.
11. No sound projecting devices are to be used outside of any structure.
12. The site shall be developed, maintained and operated in compliance with the provisions of this Protective Overlay, and all other applicable federal, state or local ordinances, codes or regulations, including but not limited to: zoning, fire, building, sanitation, landscape or drainage.
13. The site permits all uses permitted by right in the Limited Industrial zoning district except the following uses shall be prohibited: "outdoor storage as a principal use"; "gas and/or fuel storage and sales"; manufacture, storage or sale of fireworks; "construction burn site, limited"; "asphalt or concrete plant,

limited”; “teen club in the city”; “tavern and drinking establishment”; “sexually oriented business in the city”; “recreation and entertainment, outdoor”; “nightclub in the city”; “correctional placement residence, limited and general” and “correctional facility.”

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 27th day of January, 2015.

Carl Brewer - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form: _____
Sharon Dickgrafe, Interim City Attorney

**EXCERPT MINUTES OF THE NOVEMBER 20, 2014 WICHITA-SEDGWICK
COUNTY METROPOLITAN AREA PLANNING COMMISSION HEARING**

Case No.: ZON2014-00026 - 2350 SE Partners, LLC / Paul Gray request a City zone change request from TF-3 Two-family Residential and LC Limited Commercial to LI Limited Industrial on property described as:

Lot 10 and the half vacated alley adjacent on the South and East, Fred P. Mosteller Addition to Wichita, Sedgwick County, Kansas.

AND

Lot 1, Rainbow Baking Co. Addition to Wichita, Sedgwick County, Kansas.

AND

Lots 1 and 2 and the half vacated alley adjacent on the West and North, Block 1, TOGETHER WITH lot 3, Block 1, Murphy Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicants are seeking Limited Industrial (LI) zoning on a site that is currently zoned Limited Commercial (LC), Two-Family Residential (TF-3) and subject to development standards established by a Board of Zoning Appeals (BZA) "variance" discussed in the "case history" section below. The applicant is of the opinion that rezoning the site to the LI district would make the property more attractive to a larger set of potential users than if the site remains zoned LC and subject to the site's current development standards, described in the "case history" section below.

The application area contains 5.03 (219,106.8 square feet) acres that are located on the east side of Southeast Drive, approximately 600 feet south of East Pawnee Avenue. At this location Southeast Drive serves as a frontage road for Southeast Boulevard/Kansas Highway K-15. The application area has direct frontage on Southeast Drive, South Minneapolis Street and East Glenn Oaks Street, and has three addresses. 2530 and 2536 Southeast Drive are zoned Limited Commercial (LC) and occupy all of the application area except the small lot located in the extreme southeast corner. The property addressed as 2539 South Minneapolis Avenue (the small lot located in the extreme southeast corner of the application area) is zoned TF-3. The LC zoned property is developed with a large commercial building that was formerly a bakery (approximately 52,733 square feet) and other associated bakery uses such as a retail outlet (3,306 square feet), parking and tractor-trailer storage. The TF-3 zoned property is developed with a single-family residence built in 1959. A screening wooden fence is located along the LC zoned portion of the application area, but not along the TF-3 zoned property. The application area occupies all of the southern part of the block located south of East Pawnee Avenue, east of Southeast Drive, west of South Minneapolis Street and north of East Glenn Oaks Drive, except for a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street. The site has been vacant for approximately six months to a year.

Land located to the north of the subject site is zoned LC, and is a mostly vacant retail sales strip center that used to contain a grocery store as an anchor tenant. Land to the east is zoned MF-29 Multi-Family Residential (MF-29) or SF-5 Single-Family Residential (SF-5), and is developed with single family residences. To the south is a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street that is zoned TF-3, and is developed with a single-family residence. Farther south, across East Glenn Oaks Drive, are two lots zoned TF-3 as well as several other lots zoned SF-5 that are developed with single-family residences.

The LI district permits a wide range of non-residential uses; residential uses are not permitted in the LI district. Some of the uses permitted by right in the LI district that are not permitted in the LC district are:

“wholesale or business service,” “welding or machine shop,” “warehouse,” “vehicle storage yard,” “research services” or “manufacturing, general.”

In contrast to the LI district, the current zoning code requires “conditional use” approval in the LC district to permit “manufacturing, limited” and such uses are subject to the following development standards contained in Unified Zoning Code (UZC) Article III, Section III-D.6.m: 1) the gross floor area of the building housing the limited manufacturing use shall not exceed one square foot of floor area to three square feet of lot area; 2) the minimum setback of any building from any property line shall be 30 feet; 3) no outdoor storage is permitted; 4) all parking and loading spaces shall be paved with concrete or asphalt and must not cover more than one-half of required open space and 5) the maximum number of employees on any one shift shall not exceed 15 per acre of lot area. Currently, “bakeries engaged in large scale production and wholesale distribution” are defined as “manufacturing, limited” and require LI zoning and are not permitted in the LC district (UZC, Article II, Section II-B.8.e). If the site does not remain vacant for more than two years, the bakery use or a use of equal or lesser intensity could occupy the site as a nonconforming use.

CASE HISTORY: The portion of the application area that contains the large manufacturing building, thought to have been built in 1955 or 1956, and addressed as 2530 Southeast Drive, is Lot 10 of the Mosteller Addition. On August 16, 1955, the Metropolitan Area Planning Commission (MAPC) approved 2530 Southeast Drive as the location for a bakery. However, the superintendent of building inspection refused to issue a building permit for the bakery on the basis the bakery would employ more than five employees (Ordinance No. 21-245). Lot 10 had been previously zoned LC, and at that time bakeries employing more than five employees were not permitted in the LC district. On August 26, 1955, the Board of Zoning Appeals (BZA) approved case number BZA 10-55 that granted a variance for the bakery to have up to 15 employees, subject to certain other conditions. Zone change case Z-0986 (May 13, 1968) rezoned Lot 10, Fred P. Mostellar Addition and Lots 1 and 2, Block 1, Murphy Addition (the land located immediately north of 2539 South Minneapolis Street) to the LC district. Case number BZA13-68 (June 25, 1968) required: a maximum building coverage of one-third the site’s total land area; a minimum building setbacks from the south and east property line at 100 feet; a minimum building setback along the west property line at 30 feet; no outside storage; parking and loading areas are to be paved and cannot cover more than one-half of required open space; the maximum number of employees at 15 per net acre of land in any one shift; no noxious odors or undue noise shall be detected at the property line; access to Minneapolis to be limited to the two existing alleys located at the north and south property lines; submission of site plan; screening fencing located along the east and south property line to be maintained; the area to be policed for trash; no signs to be located along the east or south property lines; lights to be shielded to direct light away from residential areas and no sound projecting devices are to be used outside of any structure. In 1985, the property located at the northeast corner of East Glenn Oaks Street (2536 Southeast Drive) was rezoned to LC by case number Z-2725. An alley that separated most of the northern portion of the subject site from property located further south was vacated (VAC1340).

Most of the northern portion of the application area is platted as part of the Fred P. Mosteller Addition that was recorded in 1955. The Rainbow Baking Company Addition was recorded in 1986 and is located at the northeast corner of East Glenn Oaks Street and Southeast Drive. A portion of the Murphy Addition, the southeastern portion of the application area abutting Minneapolis Street, was recorded in 1955.

ADJACENT ZONING AND LAND USE:

North: LC; retail strip center
South: TF-3; single-family residences
East: MF-29, SF-5; single-family residences
West: SF-5; single-family residences

PUBLIC SERVICES: The site has direct access to Southeast Drive, which is a frontage road for Southeast Boulevard. Southeast Boulevard/K-15, at the application area, carries approximately 8,000

average daily vehicle trips. East Glenn Oaks Drive and South Minneapolis Street are local streets; traffic counts are not available those two streets. Municipal services are available to the site or the services can be extended to serve the site.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “local commercial” uses. The “local commercial” category encompasses areas that contain concentrations of predominately commercial, office, personal service uses that do not have a significant regional market draw. The “local commercial” category includes uses such as mini-storage warehousing and small scale, light manufacturing. The “employment/industry center” category is probably a more appropriate designation for the site. The “employment/industry center” encompasses centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses include: manufacturing and fabrication facilities, warehousing and shipping centers.

RECOMMENDATION: The issue with this application is the need to balance the need to protect the residential uses located east and south of the application area with the objective of facilitating the re-occupation of an existing vacant manufacturing building and the lot’s hybrid zoning with more liberal zoning that will not substantially change the site’s impact on adjoining properties. Based upon the information available at the time the staff report was prepared it is recommended that the request for LI zoning be approved subject to the provisions of Protective Overlay #292

1. Maximum building coverage is limited to one-third the site’s total land area (72,962.56 square feet).
2. Minimum building setbacks are: 100 feet from the south and east property line, 30 feet from the west property line and zero or five feet on the north.
3. No outside storage is permitted except for vehicles used to conduct business activities located on-site.
4. Vehicle parking, loading, display or storage areas are to be paved per Unified Zoning Code standards and cannot cover more than one-half of the site’s total area.
5. No noxious odors or undue noise shall be detected at the property line.
6. Access to Minneapolis shall be limited to the two existing alleys located at the north and south property lines.
7. Screening fencing shall be located along the east and south property line.
8. Outdoor trash and debris is to be regularly removed from the site. Dumpster or trash enclosures shall be screened from ground level view, and shall be located at least 20 feet from property used for residential purposes.
9. No ground signs are to be located along the east or south property lines. No wall or building signs shall be permitted on the east or southern building facades. No off-site signs or billboards are permitted. When located within 100 feet of East Glenn Oaks Drive, signage located along Southeast Drive shall not be lighted between the hours of 7:00 p.m. and 6:00 a.m.
10. Outdoor lighting is to be shielded directed away from residential areas.
11. No sound projecting devices are to be used outside of any structure.
12. The site shall be developed, maintained and operated in compliance with the provisions of this Protective Overlay, and all other applicable federal, state or local ordinances, codes or regulations, including but not limited to: zoning, fire, building, sanitation, landscape or drainage.
13. The site permits all uses permitted by right in the Limited Industrial zoning district except the following uses shall be prohibited: “outdoor storage as a principal use”; “gas and/or fuel storage and sales”; manufacture, storage or sale of fireworks; “construction burn site, limited”; “asphalt or concrete plant, limited”; “teen club in the city”; “tavern and drinking

establishment”; “sexually oriented business in the city”; “recreation and entertainment, outdoor” and “nightclub in the city”; “correctional placement residence, limited and general” and “correctional facility.”

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Land located to the north of the subject site is zoned LC, and is a mostly vacant retail sales strip center. Land to the east, across Minneapolis Street, is zoned MF-29 Multi-Family Residential (MF-29) or SF-5 Single-Family Residential (SF-5), and is developed with single family residences. To the south is a single lot located at the northwest corner of East Glenn Oaks Drive and South Minneapolis Street that is zoned TF-3, and developed with a single-family residence. Farther south, across East Glenn Oaks Drive, are two lots zoned TF-3 as well as several other lots zoned SF-5 that are developed with single-family residences. The application area acts somewhat as a transition property between Southeast Boulevard/K-15 and the residential areas located east of Minneapolis Street. The presence of Southeast Boulevard/K-15 Highway adds to the location’s non-neighborhood feel.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC subject to the development standards contained in the variance discussed in the “case history” section located above. As zoned a wide range of residential, office, retail and commercial uses are permitted. However, the site is developed with an approximately 53,000 square-foot building formerly used as a bakery that is probably a difficult building to find a new user as currently zoned. It is likely that it will be easier to find a manufacturing use rather than a retail or general commercial use for the existing building. Businesses needing large buildings generally prefer to have buildings that meet the corporation’s architectural standards rather than retrofit an existing manufacturing building. The mostly vacant retail sales building located north of the site is likely proof that the market does not favor retail sales at this location.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request will permit more intense uses than the site’s current zoning permits, such as wider range of manufacturing type uses and with more than 15 employees per net acre of land. The proposed conditions of approval should address known impacts from a wider range of uses.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would provide additional LI zoned property to the community’s market place. Denial would presumably make it more difficult for the owners to sell the property and put the property back in use.
5. Length of time the property has remained vacant as currently zoned: Staff has been advised that the site has been vacant for six to 12 months.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “local commercial” uses. The “local commercial” category encompasses areas that contain concentrations of predominately commercial, office, personal service uses that do not have a significant regional market draw. The “local commercial” category includes uses such as mini-storage warehousing and small scale, light manufacturing. The “employment/industry center” category is probably a more appropriate designation for the site given the site’s proximity to Southeast Boulevard/K-15 Highway and building that exist on the site. The “employment/industry center” encompasses centers or concentrations of employment of an industrial, manufacturing, service or non-institutional nature. The range of uses include: manufacturing and fabrication facilities, warehousing and shipping centers.

7. Impact of the proposed development on community facilities: Existing facilities are in place to address anticipated demand on community facilities.

DALE MILLER, Planning Staff presented the Staff Report.

FOSTER referred to condition 2 of the Staff Report regarding the “either or” situation with the setbacks to the north. He said that was confusing. He said he thought the plat required a 5 foot minimum setback.

MILLER said the UZC requires 0 to 5 foot setback in some zoning districts. He said there may be a Building Code requirement that increases that amount.

PAUL GRAY, APPLICANT, 2350 SE PARTNERS, LLC, 4416 SOUTH DORIS COURT said the investment group has a long history of buying older properties that are distressed and vacant, turning them around and finding viable tenants that bring life back to the properties. He said they see the value of this building as a warehouse or manufacturing facility, maybe aviation related since the facility is located in south Wichita. He said the current zoning does not allow any of those types of activities. He said the previous bread factory had to get a variance because of the number of employees. He said if that bakery was being built today, it would not be able to be built in this zoning district. He said they are attempting to change the zoning so that the facility can be utilized like it has been. He said they are in the process of cleaning up the property and making repairs to the fence and building. He said they were getting ready to paint the building before the weather turned. He said the improvements they are making to the facility will make it more attractive to any prospective tenants and it will look better and fit into the neighborhood. He said they want to be good neighbors. He said their intention is to operate the facility as it has already been operated with a different product. He said previously the facility was used to manufacture bread and to warehouse and sell bread. He said at this time, they cannot speak specifically about what the product might be. He said they see the small retail center on the south of the property coinciding with whatever is manufactured or warehoused at the site. He added or another retailer could use the center not connected with the larger manufacturer on the property.

MCKAY clarified that the applicant agreed with the condition in the Staff Report.

GRAY replied yes.

ELEANOR GOODWYN, 1902 EAST GLEN OAKS DRIVE said they also own 1903 E. Glen Oaks Drive and have lived at 1902 for 56 years. She said the bakery was always a nice neighbor (the facility smelled so good). She said they are concerned about what might go into the location. She said the neighbors were not aware there were zoning issues with the bakeries. She said when the sign for the rezoning originally went up on the property it was to change the zoning from Limited Commercial to General Commercial, but the public hearing notice they received said to change zoning from Limited Commercial to Limited Industrial. She said that is quite a jump in zoning intensity. She said this is a residential area. She asked the Commission to take that into consideration and protect the neighborhood. She said they are interested in what people want to do or build or change at the location.

FOSTER mentioned the condition for screening fencing along the east and south property lines and asked if Ms. Goodwyn was aware of that provision.

GOODWYN commented that there has been a privacy fence along South Minneapolis for years and the neighbors are fine with that.

FOSTER said the zone change under consideration would require that fence to remain in place or be improved by the applicant.

RON HOWARD, PRESIDENT, K-15 NEIGHBORHOOD ASSOCIATION, 2719 EAST TIMBERLINE said there are two houses directly behind the outlet store where the fence is down. He

said the two properties recently sold and the new property owners are concerned about whether the security fence will be re-installed once the property is rezoned. He said the neighbors are also asking for some type of noise abatement and assurances that Occupational Safety & Health Administration (OSHA) standards will be followed. He reported that at Monday's neighborhood meeting at Colvin Community Center the majority of neighbors thought the rezoning would be a good thing for the neighborhood and that it could bring back property values and infrastructure.

GOOLSBY stated that the applicant indicated that they were in the process of repairing the fence during their presentation and the conditions of the rezoning require them to maintain the screening.

GRAY said they appreciate the neighborhood participation and mentioned fielding a couple of phone calls during the rezoning process. He said most people felt pretty comfortable and they were able to alleviate a lot of concerns once the neighbors understood what was actually happening. He commented that the applicant owns the house on the north where the fence is down; however, they have only owned the property for a month and inclement weather has precluded them from fixing the fence, which is one of the requirements of the zoning change. He said noise will be less of a concern with modern equipment and technology. In addition, he added that any business will be required to meet the City noise ordinance and OSHA regulations. He said they want to be a good neighbor and will meet all zoning conditions.

FOSTER asked staff to address the noise issue and landscape buffer for industrial use.

MILLER referred to item 5 of the Staff Report conditions and also mentioned the provision of ambient noise not exceeding property lines in the UZC. He said adherence to the Landscape Ordinance is a standard requirement so he did not put those requirements into the Staff Report. He said landscape requirement would be met when the applicant applied for an occupancy permit.

FOSTER mentioned a recent case on east Kellogg regarding fencing where if there was no boundary adjustment within a 7 year period, a masonry wall would need to be installed. He asked the Commission if wording needed to be added that the screening fence be well maintained.

DENNIS asked if the applicant would be expanding the facility in the future.

GRAY said he believes the current wood privacy fence is appropriate and acknowledged that it does need some maintenance at the current time. He said he knows of no plans to expand the property.

GOOLSBY said requiring a masonry wall would constitute a major financial investment.

MCKAY said the screening issue needs to be addressed on a case-by-case basis; the Commission can't make concrete/masonry walls a standard.

B. JOHNSON commented the one of the speakers said there had been a wood privacy fence in place for years and they liked it.

MOTION: To approve subject to the staff recommendation.

J. JOHNSON moved, **WARREN** seconded the motion, and it carried (8-0).



**INTEROFFICE
MEMORANDUM**

TO: MAPC
FROM: Case Bell, Community Liaison
SUBJECT: ZON2014-26
DATE: December 3, 2014

Dale Miller, Planning, presented on a request for a change to Limited Industrial (LI) zoning on a site that is currently zoned Limited Commercial (LC), Two-Family Residential (TF-3). The lot is generally located ¼ mile south of Pawnee Avenue, east of Southeast Drive (2530 Southeast Drive). The applicant is of the opinion that rezoning the site to the LI district would make the property more attractive to a larger set of potential users than if the site remains zoned LC and subject to the site's current development standards, described in the "case history" section of the provided staff report.

Questions:

DAB? Does the manufacturing in provision 13 apply to all manufacturing or just fireworks? **A:** Just fireworks.

DAB? Was there any protest? **A:** No official protests but several citizens have expressed concern over traffic in the area.

Michelle McCain, 2458 S. Minneapolis: She is concerned about increased commercial traffic in the area damaging the streets and becoming a danger to children playing in the area. She suggested that businesses not have access to Minneapolis.

DAB: There should at least be stop signs there to halt traffic at dangerous intersections.

DAB? Is there currently an ordinance to keep big trucks off of residential streets? **A:** Not known at this time, but there may be some enforcement issues here.

Eleanor Goodwin, 2902 E. Glen Oaks Dr.: The trucks that come down Minneapolis tear up the street. She reports that there used to be a sign that said no traffic for southbound Minneapolis but someone took it down. She also feels that the planning commission did not take her concerns seriously.

DAB: Suggested that there be an extra provision banning street access from the property to Minneapolis.

The DAB III members voted 7-1 to recommend that the request for LI zoning be approved subject to the 13 listed provisions of Protective Overlay #292 with the added provision that all access to Minneapolis would be removed from the property.

**PRELIMINARY ESTIMATES
FOR CITY COUNCIL JANUARY 13, 2015**

- a. Amidon, 21st to 29th Street North (472-84914/707023/636306/620716/210488/77407/664023) (see Special Provisions). (District VI) - \$8,905,000.00
- b. 2014 Sanitary Sewer Rehabilitation Phase F (CIPP) (north of 31st Street South, east of Seneca) (468-84993/620721/664026) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,VI) - \$374,000.00

To be Bid:

December 12, 2014

PRELIMINARY ESTIMATE of the cost of:

Amidon - 21st to 29th Street North

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

Lump Sum Bid Items - Paving (707023)

1	Mobilization	1	LS
2	Field Office & Laboratory (Type A)	1	ea
3	Site Clearing	1	LS
4	Site Restoration	1	LS
5	Transportation of Salvagable Materials	1	LS
6	Excavation	12,770	cy
7	Pvmt Removed	52,490	sy
8	Concr. Drive, Sidewalk & AC Pkg Lot Removed (in R/W)	9,870	sy
9	Gravel Street Removed	320	sy
10	Compacted Fill (95% Density)	556	cy
11	Concr. Pvmt (8") (AE) (Reinf.)	2,153	sy
12	AC Pvmt 7" (5" Bit. Base) (BM-2)	34,373	sy
13	AC Pvmt 2" Mill & Overlay (BM-2, PG 70-28)	997	sy
14	Crushed Rock Base 8", Reinf.	39,543	sy
15	Crushed Rock Base 7", Reinf.	1,780	sy
16	Crushed Rock Base 6", Reinf.	19,394	sy
17	Concr. Pvmt (9") (AE) (UnReinf.) (Reinforced)	15,731	sy
18	Concr. Median Nose	13	ea
19	Paving Brick (3 1/8" Holland Pavers) (Charcoal Red)	1,161	sy
20	Paving Brick (2 1/2" Holland Pavers) (Charcoal Red)	627	sy
21	Wheelchair Ramp	50	ea
22	Sidewalk Drain and Flume (Pre-fab)	3	ea
23	Concr. C&G, Type 3 (8" & 1-1/2")	4,033	lf
24	Concr. C&G, Type 1 (6" & 1-1/2")	13,920	lf
25	Concr. Curb, Mono Edge (6" & 1-1/2")	1,053	lf

Lump Sum Bid Items - Drainage (707023)

26	Inlet, Curb (Type 1) (L=5' W=3')	28	ea
27	Inlet, Curb (Type 1) (L=5' W=4')	1	ea
28	Inlet, Curb (Type 1) (L=10' W=4')	3	ea
29	Inlet, Curb (Type 1) (L=10' W=3')	9	ea
30	Inlet, Drop (2'x4')	2	ea
31	Inlet, Curb (Type 2) (Double)	8	ea
32	MH, Standard SWS (4')	1	ea
33	MH, Standard SWS (5')	13	ea
34	MH, Standard SWS (6')	7	ea
35	MH, Standard SWS (8')	3	ea
36	MH, Reinf. Concr. (6'x6')	2	ea
37	Inlet Hookup	49	ea
38	Pipe, SWS 36", RCP	282	lf
39	Pipe, SWS 30", RCP	61	lf
40	Pipe, SWS 24", RCP	1,880	lf
41	Pipe, SWS 18", RCP	613	lf
42	Pipe, SWS 15", RCP	758	lf
43	Pipe, SWS, HERCP (19"x30") {24}	70	lf
44	Connect Existing 6" Drain	1	LS

Lump Sum Bid Items - Traffic (707023)

45	MH Removed, Traffic	19	ea
46	Pvmt Marking	1	LS
47	Signing	1	LS
48	Traffic Control	1	LS
49	Signalization, Twin Lakes Entrance	1	LS
50	Signalization, 21st Street	1	LS
51	Signalization, Crosswalk	1	LS
52	Signalization, 25th Street	1	LS
53	Signalization, 29th Street	1	LS
54	Signalization, Temporary	1	LS

Lump Sum Bid Items - Landscaping (707023)

55	Tree, Chinese Pistache	19	ea
56	Tree, Green Vase Zelkova	9	ea
57	Tree, Tatarian Maple	34	ea
58	Tree, Alba Eastern Redbud	12	ea
59	Tree, Oklahoma Redbud	15	ea
60	Tree, Chinese Fringe Tree	29	ea

61	Tree, Kousa Dogwood	5	ea
62	Tree, American Smoketree	11	ea
63	Tree, Sartent Crabapple	10	ea
64	Tree, Royal Raindrops Crabapple	42	ea
65	Tree, Japanese Tree Lilac	24	ea
66	Sodding	1	LS

Measured Qty Bid Items - Paving (707023)

67	Driveway Concr. Pvmnt (8") (Reinf.)(AE)	53,685	sf
68	Sidewalk Concr. (5")	11,826	sf
69	Sidewalk Concr. (4")	64,823	sf
70	Sidewalk Protection Curb	283	lf
71	AC Temp Pvmnt (6" AC on 5" Crushed Rock Base)	396	sy
72	AC Pvmnt (Variable)(0"-2")	1	ton
73	Concr. Drive, Sidewalk & AC Pkg Lot Removed (outside R/W)	735	sy
74	Inlet Underdrain	755	lf
75	SWS Pipe Removed	1,014	lf
76	SWS Structure Removed	45	ea
77	MH Adjusted (SS or SWS)	28	ea
78	Monitoring Well Adjusted	4	ea
79	Fill, Sand (Flushed & Vibrated)	3,602	lf
80	Shrub Removed	20	ea
81	Tree Removed	11	ea

Measured Qty Bid Items - Erosion Control (707023)

82	BMP, Curb Inlet Protection	49	ea
83	BMP, Erosion Control Blanket	7,191	sy
84	BMP, Construction Entrance	1	ea

Measured Qty Bid Items - Traffic (707023)

85	Portable Changeable Electr. Message Sign	120	day
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Waterline Measured Qty Bid Items (636306)

86	Pipe, WL 4"	55	lf
87	Pipe, WL 4", DICL	14	lf
88	Pipe, WL 6", DICL	10	lf
89	Pipe, WL 8"	82	lf
90	Pipe, WL 8", DICL	28	lf
91	Pipe, WL 12"	989	lf
92	Pipe, WL 12" (DICL)(RJ)	66	lf
93	Valve Assembly, 8"	1	ea
94	Valve Assembly, 12"	7	ea
95	Valve Assembly, Blowoff, 2"	1	ea
96	Fire Hydrant Assembly	10	ea
97	Fire Hydrant Removed (plug tee)	5	ea
98	Fire Hydrant Assy. Removed (incl. valve & tee)	4	ea
99	Connect to Existing 4" Main	2	ea
100	Connect to Existing 6" Main	1	ea
101	Connect to Existing 8" Main	5	ea
102	Connect to Existing 12" Main	11	ea
103	Service Relocated, 1"	19	ea
104	Service Relocated, 2"	2	ea
105	Water Meter Box Adjustment	55	ea
106	Water Valve Adjustment	13	ea
107	Fill, Sand (Flushed & Vibrated)	915	lf
108	AC Pvmnt (6"), Temporary	305	sy

Sanitary Sewer Lump Sum Bid Items (620718)

109	MH, Standard SS (4')	2	ea
110	MH, Standard SS (4'), Outside Drop	2	ea
111	Pipe, SS 8"	480	lf
112	Pipe, SS 18"	121	lf
113	Fill, Flowable	502	lf
114	MH, SS Removed	4	ea
115	Pipe, SS Removed	601	lf
116	AC Pvmnt (6"), Temporary	318	sy
117	Seal existing tap in Main DO NOT BID	1	ea

Lump Sum Bid Items - Landscaping (707023)

118	Handrail	26	lf
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Sanitary Sewer Lump Sum Bid Items (620718)

119	MH Frame & Cover, Replaced	3	ea
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Measured Qty Bid Items - Paving (707023)

120	AC Pvmnt (6"), Temporary	1,325	sy
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Construction Subtotal

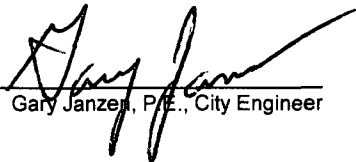
Design Fee (707023)
Engineering & Inspection (707023)
Engineering & Inspection (636306)
Engineering & Inspection (620718)
Administration (707023)
Administration (636306)
Administration (620718)
RW (707023)
Westar (707023)
Publication (707023)
Water Taps (636306)

Total Estimated Cost

\$8,905,000.00

CITY OF WICHITA)
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.



Gary Janzen, P.E., City Engineer

Sworn to and subscribed before me this _____
(DATE)

City Clerk

210488/774075/664023 707023/636306/620718 472-84914

Page _____

EXHIBIT _____

To be Bid:

December 19, 2014

PRELIMINARY ESTIMATE of the cost of:

2014 Sanitary Sewer Rehabilitation Phase F (CIPP)
(north of 31st St. S, east of Seneca)

All work done and all materials furnished to be in accordance with plans and specifications
on file in the office of the City Engineer.

LUMP SUM BID ITEMS

1	Pipe, Cured-in-Place, 8" (Site 1)	317	If
2	Pipe, Cured-in-Place, 8" (Site 2)	742	If
3	Pipe, Cured-in-Place, 8" (Site 3)	532	If
4	Pipe, Cured-in-Place, 8" (Site 4)	775	If
5	Pipe, Cured-in-Place, 8" (Site 5)	1,121	If
6	Pipe, Cured-in-Place, 8" (Site 6)	925	If
7	Pipe, Cured-in-Place, 8" (Site 7)	481	If
8	Pipe, Cured-in-Place, 8" (Site 8)	589	If
9	Pipe, Cured-in-Place, 8" (Site 9)	648	If
10	Pipe, Cured-in-Place, 8" (Site 10)	527	If
11	Pipe, Cured-in-Place, 8" (Site 11)	114	If
12	Pipe, Cured-in-Place, 8" (Site 12)	345	If
13	Pipe, Cured-in-Place, 8" (Site 13)	562	If
14	Pipe, Cured-in-Place, 8" (Site 14)	477	If
15	Pipe, Cured-in-Place, 8" (Site 15)	620	If
16	Pipe, Cured-in-Place, 8" (Site 16)	849	If
17	Pipe, Cured-in-Place, 8" (Site 17)	830	If
18	Pipe, Cured-in-Place, 8" (Site 18)	308	If
19	Pipe, Cured-in-Place, 8" (Site 19)	635	If
20	Pipe, Cured-in-Place, 8" (Site 20)	730	If
21	Pipe, Cured-in-Place, 8" (Site 21)	692	If
22	Pipe, Cured-in-Place, 8" (Site 22)	580	If
23	MH Abandoned (over CIPP)	2	ea
24	Site Preparation	1	LS
25	Site Restoration	1	LS

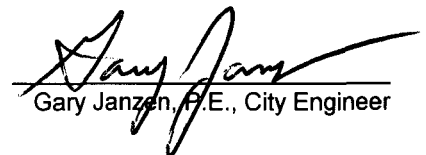
Construction Subtotal

Engineering & Inspection
Administration
Publication

Total Estimated Cost\$374,000.00

CITY OF WICHITA)
STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.


Gary Janzen, P.E., City Engineer

Sworn to and subscribed before me this _____
(DATE)

City Clerk

664026 (620721) 468-84993

Page _____

EXHIBIT

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

SUBJECT: Community Events – Wichita Symphony’s Young People’s Concerts
(Districts I and VI)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

Background: In accordance with the Community Events procedure, event promoter Anne Marie Brown, Operations Manager for Wichita Symphony, is coordinating the bus parking for the Wichita Symphony’s Young People’s Concerts with City of Wichita staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Wichita Symphony’s Young People’s Concerts January 27-29, 2015 10:00 am – 12:00 pm

- Century II Drive, South Main Street to Douglas Avenue
- Century II Drive, Douglas Avenue to South Cancun Street
- Tianepantia Drive, South Main Street to South Cancun Street
- South Cancun Street, Tianepantia Drive to English Street
- West Douglas Avenue, South Main Street to Century II Drive, left turn lane only

The event promoter will arrange to remove the barricades as necessary to allow emergency vehicle access during the entire designated time period. The barricades will be removed immediately upon completion of the event.

Financial Consideration: The event promoter is responsible for all costs associated with the special event.

Legal Consideration: There are no legal considerations.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: 1) Hiring off-duty certified law enforcement officers as required; 2) Obtaining barricades to close the streets in accordance with requirements of the Police, Fire and Public Works and Utilities Departments; and 3) Securing a Certificate of Liability Insurance on file with the Community Event Coordinator.

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

SUBJECT: Hold Harmless Agreement (Easement Encroachment) (District IV)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the agreement.

Background: Holland Ventures was provided permits to construct improvements on Lots 24 and 25 in Fairlawn Acres Addition, south of Kellogg, east of Tyler. The planned improvements are within the City's utility easement.

Analysis: The proposed agreement allows Holland Ventures to construct concrete walls, footings, and private storm sewer, on, over, and across a City utility easement, located within Lots 24 and 25, in Fairlawn Acres. The agreement further provides that Holland Ventures waives all rights of action in law arising out of the encroachment into the easement. Additionally, the agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of any future sanitary sewer line or any other infrastructure owned by the Utility, and from claims resulting from maintenance, replacement or upgrade of lines, manholes, and other City property in the easement.

Financial Considerations: There are no financial considerations associated with the approval of this agreement.

Legal Considerations: The Law Department has reviewed and approved the agreement as to form.

Recommendations/Actions: It is recommended that the City Council approve the agreement and authorize the necessary signatures.

Attachment: Hold Harmless Agreement with Exhibit A.

HOLD HARMLESS AGREEMENT

THIS AGREEMENT made this 12th day of December, 2015, BY AND BETWEEN THE CITY OF WICHITA, KANSAS, hereinafter called "CITY" AND George Holland / Holland Ventures, hereinafter called "OWNER"

WITNESSETH:

WHEREAS, the public has been granted an Easement, herein after described as "The East 20.0 feet of the West Half of the South 69.0 feet of Lot 25, and the East 20.0 feet of the West Half of the North 11.0 feet of Lot 24, in Fairlawn Acres, Wichita, Sedgwick County, Kansas."(Film 351, Page 835, D10386)

WHEREAS, the Owner has occupied and constructed concrete walls, footings and a private storm sewer over the previously described section of said Easement, to wit, hereinafter referred to as **Tract "A"** (see attached Exhibit showing encroachment and location).

NOW THEREFORE, in consideration of the premises and the several mutual and reciprocal promises of the parties, it is agreed as follows:

- (1) The City hereby agrees to permit the Owner to occupy and construct walls and a private storm sewer, over and across the aforesaid Easement.
- (2) In the event of an emergency or situation in which extensive notice is not feasible, that requires a repair and/or maintenance of any public utility within the Easement, and the same repair and/or maintenance is determined by the City to be impossible or impractical due to the presence of the encroachment described as Tract "A", the City may remove or damage any structure on the easement, with the Owner being responsible to pay the costs to replace that portion of the structure within the Easement. In any other event that any public utility within the easement is planned or requires repair and/or maintenance and the same construction or repair is determined by the City to be impossible or impractical due to the presence of the encroachment described as Tract "A", the Owner shall be obligated to either (a) allow the City to remove or damage any structure on the Easement, with the Owner being responsible to pay the costs to replace that portion of the structure within the Easement; (b) remove the said encroachment and clear the Easement; or (c) pay the costs of tunneling under the encroachment to permit repair and/or maintenance of the public utility. After being notified by the City of the planned repair, maintenance or construction, the Owner shall have thirty (30) days to notify the City of its option and, if removal of the structure was selected, to complete the removal. If the Owner fails to remove the structure or agree to pay the costs of tunneling under the encroachment within thirty (30) days, the City may remove or damage any structure on the Easement, with the Owner being responsible to pay the costs to replace that portion of the structure within the Easement. The time to select an option or remove the structure may be extended by the City in writing.
- (3) The Owner agrees to protect and indemnify the City and adjacent property owners against any increased cost that may accrue to them due to the necessity of construction of greater distance to avoid connecting beneath any improvements that may be built on, over and across said Easement. In the event the Owner fails to provide such indemnification, the Owner agrees that the City may assess any cost incurred by it against the property of the Owner. Such assessment shall be in the manner described in K.S.A. 12-6a 17, as amended from time to time.
- (4) The Owner agrees to indemnify and hold harmless the City from any and all claims for personal injury and/or property damage resulting from the leaking, cave-in or failure of that portion of said structure within Tract "A" and which injury and/or damage is caused by the presence of the encroachment into Tract "A". The Owner hereby releases the City from

any and all claims that it might have for property damage caused by work performed by the City, or its employees, agents and contractors, in connection with the inspection, repair and/or maintenance of the utility within the above described Easement.

- (5) This Agreement may be terminated by the City upon failure of the Owner to comply with all of the terms of this Agreement.
- (6) The provisions contained herein are to be construed as covenants running with the land and may be enforced against any titleholder of the within described premises, so long as the structure contemplated by this agreement is in existence.
- (7) This document creates a temporary, non-exclusive interest in real property and is not a construction contract governed by K.S.A. 16-121 as amended.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their names the day and year first above written.

George Holland Holland Ventures owner

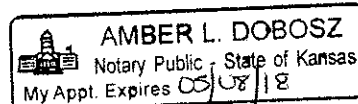
Owner, Title, Company

STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, that on this 12 day of December, 2014 before me, a Notary Public, in and fore said county and state, came George Holland, owner, Holland Ventures, to me personally known to be the same person(s) who executed the within and foregoing instrument and duly acknowledged the execution of the same as the authorized act and deed of the Corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last written.

Amber L. Dobosz
Notary Public
My Commission Expires: 05/08/18



CITY OF WICHITA, KANSAS

By _____
Carl Brewer, Mayor
City

ATTEST:

City Clerk

STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, that on this _____ day of _____, 201_, before me, a Notary Public, in and fore said county and state, came, Carl Brewer, Mayor of the City of Wichita, Kansas, to me personally known to be the same person who executed the within and foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last written.

Notary Public

My Commission Expires: _____

Approved as to Form

Sharon L. Dickgrafe,
Interim City Attorney and Director of Law

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

SUBJECT: Waterline Relocation Contract for Kellogg and I-235 Interchange (District IV)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the selection and contract.

Background: The Kansas Department of Transportation (KDOT) is planning a project to improve the interchange at I-235 and West Kellogg. The proposed improvements require the relocation of an existing transmission line owned by Westar Energy, Inc. City-owned waterline facilities are located in the route along which Westar plans to relocate the transmission line and must be moved by spring 2015. On October 7, 2014, the City Council approved the waterline relocation project, including the use of a design-build process.

Analysis: On December 18, 2014, the Staff Screening and Selection Committee interviewed three contractors, selecting the design-build team of Baughman Company-Mies Construction. Selection was based on the team's experience with previous waterline and design-build projects, proposed cost, approach to the project, and ability to meet the required timeline.

Financial Considerations: The cost of the proposed agreement is \$104,369. Funding is available in the existing budget, which was approved by the City Council on October 7, 2014, and is funded by the 2014 Water Distribution Mains Replacement budget and reimbursements from Westar.

Legal Considerations: The Law Department has reviewed and approved the contract as to form.

Recommendation/Action: It is recommended that the City Council approve the selection, approve the contract, and authorize all necessary signatures, including those for the acquisition or granting of easements, utility relocation agreements, and all required permits.

Attachments: Contract.

CONTRACT FOR DESIGN-BUILD SERVICES
Design-Build Two 8" Waterline Relocation at Kellogg & I-235

AGREEMENT made as of the 13th day of **January** in the year **2015**

BETWEEN the Owner:

City of Wichita
455 N Main
Wichita, Kansas 67202

and the Design-Builder:

Mies Construction Inc
1919 Southwest Blvd
Wichita, Kansas 67213

for the following Project:

Design-Build Two 8" Waterline Relocation at Kellogg & I-235 as outlined in FP440074 and supporting documents added as exhibits to this Agreement.

The Owner and Design-Builder agree as follows:

ARTICLE 1 DESIGN-BUILD DOCUMENTS

§ 1.1 The Design-Build Documents form the Design-Build Contract. The Design-Build Documents consist of this Agreement between Owner and Design-Builder (hereinafter, the "Agreement") and its attached Exhibits. The Design-Build Documents shall not be construed to create a contractual relationship of any kind: (1) between the engineer and Owner; (2) between the Owner and a Contractor or Subcontractor; or (3) between any persons or entities other than the Owner and Design-Builder, including but not limited to any consultant retained by the Design-Builder to prepare or review and/or certify the plans and Specifications. An enumeration of the Design-Build Documents appears in Article 8.

§ 1.2 This Agreement represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral.

§ 1.3 This Agreement may be amended or modified only by a Modification. A Modification is: (1) a written amendment to the Design-Build Contract signed by both parties; (2) a Change Order signed by both parties; or (3) a written order for a minor change in the Specifications issued by the Owner that has no effect on total cost or project duration.

ARTICLE 2 WORK OF THE DESIGN-BUILD CONTRACT

§ 2.1 The Design-Builder shall fully perform the work in accordance with the Specifications attached to this Agreement unless otherwise modified. The work shall generally include:

§ 2.1.1 All building structure design and construction, and equipment, systems and appurtenances attached thereto;

§ 2.1.2 All sub-grade, pavement, drainage, elevation and utility design drawings, including stormwater detention and installation of clarifier, if required, which shall be reviewed and stamped by a civil engineer (PE) licensed in the state of Kansas.

ARTICLE 3 BONDS

Design-Builder further agrees to maintain the work for a period of two (2) years from date of the completion and acceptance of same by the City of Wichita, this maintenance to be done and performed by said Design-Builder without any expense to the Owner whatever.

Design-Builder shall furnish the Owner a good and sufficient bond guaranteeing the completion of the work and every part thereof according to the specifications and the bid of said Design-Builder and the terms of this contract; conditioned further, for the maintenance of said improvements as hereinbefore provided; and conditioned further, upon the holding of the City of Wichita harmless in all claims and suits for damages as specified in this contract.

Design-Builder shall furnish a bond to the State of Kansas in the total amount of this contract, conditioned upon the payment of all material and labor bills incurred in the making of said improvement.

ARTICLE 4 COMMENCEMENT, SUBSTANTIAL AND FINAL COMPLETION

§ 3.1 The date of commencement shall be the date of this Agreement unless provision is made for the commencement date to be fixed in a notice-to-proceed issued by the Owner.

§ 3.2 The Work Time shall be measured from either the date of commencement, or notice-to-proceed if later than the Agreement date, subject to adjustments of this Contract Time. If the Design-Builder fails to achieve completion of the work by the date(s) determined in this part, it is understood and the Design-Builder hereby agrees that deductions may be made from the moneys due the Design-Builder, to a maximum of the contract price, for each calendar day any work remains incomplete, not as a penalty or as retainage but as liquidated damages. Design-Builder will not be liable if performance failure arises out of causes beyond its control and without fault or negligence of the DESIGN-BUILDER (e.g., acts of God, war, fires, floods, freight embargoes), but ordinary weather delays shall not be used to extend the deadline set in this part. If the damages so calculated exceed the amount yet to be paid the Design-Builder, the Design-Builder shall remain liable for the difference, and shall timely pay that obligation.

§ 3.3 The Design-Builder agrees that the completion date is March 1, 2015 for all work except sodding. Sodding shall be completed by July 31, 2015.

§ 3.4 The Design-Builder agrees to achieve Final Completion on or before the expiration of **thirty (30) CALENDAR DAYS** after the date of Substantial Completion.

§ 3.5 The Owner reserves the right to issue a notice-to-proceed for ordering of materials, and a second notice-to-proceed for the start of construction. In such case, the date of commencement

shall be the notice-to-proceed for the start of construction.

§ 3.6 Liquidated damages may be assessed against the Design-Builder for failure to complete the work within the times specified in the amount of:

Completion FIVE HUNDRED DOLLARS (\$500.00) PER CALENDAR DAY

Liquidated damages shall bear interest from the day they arise at the rate of 18% per annum. Design-Builder acknowledges that payment of liquidated damages by set off from retainage avoids these interest charges, and is to its advantage. Therefore, Design-Builder hereby authorizes such set-off, should an instance arise that in the opinion of the Owner triggers the obligation for liquidated damages. Such set-off shall thereafter not be considered retainage, but may be challenged, if required, only as an independent equitable obligation, separate and distinct from the public construction contract.

ARTICLE 5 CONTRACT SUM

§ 4.1 The Owner shall pay the Design-Builder the Contract Sum in current funds for the Design-Builder's performance of the Design-Build Agreement. The Contract Sum shall be a Stipulated Sum in accordance with Section 4.2 below.

§ 4.2 Stipulated Sum

§ 4.2.1 Unit prices are as follows:

Line #	Bid Item Description	Quantity	UM	Unit Price	Extension
	LUMP SUM BID ITEMS (635830)				
1	Engineering Services	1	ea	\$7,450.00	\$7,450.00
2	Site Clearing	1	LS	\$1,000.00	\$1,000.00
3	Site Restoration	1	LS	\$1,000.00	\$1,000.00
4	Sodding	1	LS	\$500.00	\$500.00
5	Traffic Control	1	LS	\$500.00	\$500.00
	MEASURED QUANTITY BID ITEMS (635830)				
6	Service Line, Short 1"	5	ea	\$750.00	\$3,750.00
7	Pipe, WL 8"	1,655	lf	\$43.00	\$71,165.00
8	Pipe, WL 8" (DICL)	20	Lf	\$60.00	\$1,200.00
9	Fire Hydrant Assembly	4	Ea	\$3,000.00	\$12,000.00
10	Fire Hydrant Removal	4	ea	\$500.00	\$2,000.00
11	Pavement Removed & Replaced	910	lf	\$0.01	\$9.10
12	Pipe, Casing (18" ID min.)	21	lf	\$50.00	\$1,050.00
13	BMP, Silt Fence	50	lf	\$1.00	\$50.00
14	BMP, Curb Inlet Protection	1	ea	\$50.00	\$50.00
15	BMP, Erosion Control Mat	10	sy	\$2.00	\$20.00
	LUMP SUM BID ITEMS (635831)				
16	Engineering Services	1	ea	\$500.00	\$500.00
17	Site Clearing	1	LS	\$100.00	\$100.00
18	Site Restoration	1	LS	\$100.00	\$100.00

19	Sodding	1	LS	\$100.00	\$100.00
20	Traffic Control	1	LS	\$100.00	\$100.00
	MEASURED QUANTITY BID ITEMS (635831)				
21	Pipe, WL 12"	15	lf	\$50.00	\$750.00
22	Pipe, WL 12" (D1CL)	15	lf	\$65.00	\$975.00
23	Pavement Removed & Replaced	15	lf	\$0.01	\$0.15
				Total	\$104,369.25

§ 4.3.1 The Design-Builder hereby agrees that applicable additions and/or deductions, if requested by the Owner, to the work shall be based upon unit prices, as applicable, identified in Section § 4.2.1 above.

§ 4.4 Changes in Work

§ 4.4.1 Adjustments of the Contract Sum on account of changes in work may be determined only by a Modification, including: (1) a written amendment to the Design-Build Contract signed by both parties; or (2) a Change Order signed by both parties.

ARTICLE 6 PAYMENTS

§ 5.1 Progress Payments

§ 5.1.1 Based upon Applications for Payment submitted to the Owner by the Design-Builder, the Owner shall make progress payments on account of the Contract Sum to the Design-Builder as provided below and elsewhere in the Agreement.

§ 5.1.2 The period covered by each Application for Payment shall be one (1) calendar month ending on the last day of the month.

§ 5.1.3 The Owner shall make payment to the Design-Builder not later than thirty (30) calendar days from the date an Application for Payment is received.

§ 5.1.4 The Design-Builder shall submit each application for payment in the format and detail and with the supporting documents required by Owner, along with other required reporting data.

§ 5.1.5 With each Application for Payment where the Contract Sum is based upon a Stipulated Sum, the Design-Builder shall submit the most recent schedule of values in accordance with the Design-Build Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the work. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Owner may require. This schedule of values, unless objected to by the Owner, shall be used as a basis for reviewing the Design-Builder's Applications for Payment.

§ 5.1.6 In taking action on the Design-Builder's Applications for Payment, the Owner shall be entitled to rely on the accuracy and completeness of the information furnished by the Design-Builder and shall not be deemed to have made either a) a detailed examination, audit or arithmetic verification of the documentation submitted in accordance with Sections 5.1.4 or 5.1.5, or other supporting data; b) exhaustive or continuous on-site inspections; or c) examinations to ascertain

how or for what purposes the Design-Builder has used amounts previously paid on account of the Agreement. Such examinations, audits and verifications, if required by the Owner, will be performed by the Owner's accountants acting in the sole interest of the Owner.

§ 5.1.7 Except with the Owner's prior approval, the Design-Builder shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site. (If approved in advance by the Owner, suitably stored at a location agreed upon in writing.)

§ 5.2 Progress Payments

§ 5.2.1 Applications for Payment shall indicate the percentage of completion of each portion of the work as of the end of the period covered by the Application for Payment. Payment shall be 95% of the sums indicated in the application, to allow a 5% retainage by State Statute.

§ 5.2.2 Subject to the terms and conditions of ARTICLE 5, final (100%) of the amount of the purchase order for the total project cost shall be made upon successful completion of the project. Successful Final Completion requires satisfaction of all contractual and regulatory reporting requirements. Partial or progress payments shall be made no more frequently than monthly as set forth in Section § 5.1.

§ 5.2.3 The purchase of all materials associated with this project are sales tax exempt under the laws of the State of Kansas, and the Owner shall not pay to the Design-Builder any sales tax for materials, materials or services purchase. A Sales Tax Exemption Certificate shall be provided to the Design-Builder by the Owner.

§ 5.3 Final Payment

§ 5.3.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Design-Builder no later than 30 calendar days after the Design-Builder has fully performed the Design-Build Contract, including satisfaction of all reporting requirements, except for the Design-Builder's responsibility to correct non-conforming work discovered after final payment or to satisfy other requirements, if any, which extend beyond final payment.

ARTICLE 7 DISPUTE RESOLUTION

§ 6.1 The Design-Builder agrees, notwithstanding anything to the contrary contained in the bid documents or the Contract to be awarded herein, that the Owner shall not be subject to arbitration and any clause relating to arbitration contained in the documents or in the Agreement to be awarded herein between the two parties shall be null and void.

ARTICLE 8 MISCELLANEOUS PROVISIONS

§ 7.1 Design professionals and consultants engaged by the Design-Builder shall be persons or entities experienced, qualified and duly licensed to practice their professions in the state of Kansas.

§ 7.2 The Design-Builder's Designated Representative shall be authorized to act on the Design-Builder's behalf with respect to the Project.

§ 7.3 Design-Builder's Designated Representative shall not be changed without ten (10) days written notice to the other party. Design-Builder will change its designated representative upon 10 days request made by Owner.

§ 7.4 The Design-Builder understands and agrees that all representations, certifications and assurances made by the Design-Builder within the initial proposal and addenda, if any, shall apply under this Agreement as if fully rewritten herein.

§ 7.5 The Design-Builder, in performing the work required under this Agreement, agrees to comply with the provisions of the Non-Discrimination Equal Employment Opportunity/Affirmative Action Program requirements of the City of Wichita attached hereto as Exhibit A and incorporated herein by reference.

§ 7.6 For good cause, and as consideration for executing this Agreement, the Design-Builder, acting herein by and through its authorized agent, hereby conveys, sells, assigns, and transfers to the owner all rights, title, and interest in and to all causes of action it may now or hereafter acquire under the anti-trust laws of the United States and the State of Kansas, relating to the particular product, products, or services purchased or acquired by the owner pursuant to this Agreement.

§ 7.7 Design-Builder understands that it shall be solely responsible for the design of the Project and the means, methods, techniques, sequences and procedures of construction in connection with completion of the work. Design-Builder warrants the design and construction to be free from negligent errors and omissions, both for itself and all its subcontractors.

§ 7.8 The rights of each party under this Agreement shall not be assigned or transferred to any other person, entity, firm or corporation without prior written consent of both parties.

§ 7.9 The Design-Builder understands all Agreement documents are the property of the owner and shall not be used by the Design-Builder for any purpose other than the work to be performed under this Agreement.

§ 7.10 Warranty

§ 7.10.1 Design-Builder Warranty: Warranty entire project for a period of two (2) years. Warranty begins at final acceptance by Owner. The Warranty shall be in a form proposed by Design-Builder, subject to the reasonable approval of Owner.

§ 7.10.2 Project Warranty: Provide signed and approved written project warranty form to Owner prior to project start date, which shall be incorporated as part of the Design-Build Documents. Provide two (2) copies of signed, written project warranty on the approved form to Owner within 30 days of final acceptance.

§ 7.10.3 Provide Owner with two (2) copies of all written standard or extended warranties as provided by manufacturers for equipment and building materials, conveyed or transferred in the name of Owner.

§ 7.11 Insurance

Design-Builder shall procure, maintain and carry, at its sole cost, in accordance with and/or until completion of this Agreement all insurance, as required per the amounts as set forth below or higher amounts if required by the Owner in the Agreement. Insurance shall be furnished by a company licensed to do business in Kansas.

Insurance certificates shall be issued on a standard ACORD form and include the NAIC number of the insuring company. Each insurance company's rating, as shown in the latest Best's Key Rating Guide, shall be no less than A-VII, unless approved by the Owner, or from a Workers' Compensation pool approved by the State of Kansas. Insurance certificates must be received by the Owner prior to the commencement of work.

All insurance certificates will state that all coverages are in effect and shall not be cancelled or non-renewed without providing Owner, as Additional Insured, the same notice provided under the policy terms to Design-Builder. The Owner reserves the right to request and receive for review certified copies of any and all insurance policies to which this Contract is applicable prior to commencement of work. The failure of Owner to reject the Design-Builder's certificate of insurance shall not be deemed to constitute an acceptance by the Owner of a deficient certificate of insurance. If the Design-Builder fails to procure or maintain any of the specified coverages the Owner has the right, but not the obligation, to secure the coverage and charge the cost to the Design-Builder along with a 20% administrative fee.

The Design-Builder shall be responsible for determining the types and limits of insurance coverage required by their subcontractors. At a minimum, subcontractors shall carry Workers' Compensation, commercial general liability or professional liability insurance, as appropriate (minimum of \$1,000,000 per occurrence) and commercial automobile liability (minimum of \$1,000,000 combined single limit). Design-Builder shall require in their subcontracts that the Wichita Airport Authority, City of Wichita and others as may be required by Agreement shall be added as primary and non-contributory additional insureds (including completed operations) on the subcontractors commercial general liability policy, commercial automobile liability policy and excess liability policy.

The requirements, procurement and carrying of the required insurance shall not limit any of the Design-Builder's obligations or liability under this Agreement or as a matter of law.

Insurance shall include the following terms and conditions:

Workers' Compensation

Design-Builder shall maintain Workers' Compensation insurance to cover the statutory requirements of the Workers' Compensation laws of the State of Kansas and when applicable to Federal Laws and Voluntary Compensation and Employer's Liability (including occupational disease) coverage.

Employers Liability Limits	\$1,000,000/\$1,000,000/\$1,000,000
----------------------------	-------------------------------------

Commercial Automobile Liability

Design-Builder shall maintain commercial automobile insurance, including contractual liability coverage. Coverage shall include all owned, non-owned and hired automobiles used in connection with the services or other work hereunder and shall have minimum bodily injury and property damage limits as outlined herein. An MCS-90 endorsement shall be procured, when applicable.

Combined Single Limit

\$1,000,000 Each Accident

Commercial General Liability

Design-Builder shall maintain Commercial General Liability Insurance on an occurrence form. Coverage shall include on-going operations, product/completed operations (minimum of two years following the project completion) and Personal and Advertising Injury. Minimum limits, as outlined herein, shall be:

General Aggregate (per project)	\$2,000,000
Products/Completed Operations	\$2,000,000
Personal and Advertising Injury	\$1,000,000
Each Occurrence	\$1,000,000

Design-Builder must use ISO Form CG 00 01 or its equivalent with no amendments to the definition of an insured contract. The General Aggregate shall apply on a per project basis. Policy shall include a separation of insureds clause. The Wichita Airport Authority, City of Wichita and others as may be required by the Agreement shall be added as primary and non-contributory additional insureds (including completed operations).

Umbrella/Excess Liability Coverage

The Design-Builder shall provide minimum Umbrella/Excess liability limits (excess of Commercial General Liability and Commercial Automobile Liability) of:

Each Occurrence Limit	\$2,000,000
Annual Aggregate Limit	\$2,000,000

Professional Liability Coverage

The Design-Builder shall provide minimum professional liability limits of:

Workman's Compensation – Statutory

Employer's Liability - \$500,000

Such coverage shall protect the Successful Proposer from damages resulting from the negligent acts of the Successful Proposer, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$10,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law.

§ 7.12 The Design-Builder shall comply with all federal, state and local laws, statutes, regulations and ordinances, and Wichita Airport Authority rules and standard operating procedures which may pertain to the providing of services under this Agreement.

§ 7.13 General Provisions.

Non-Waiver of Rights. No waiver or default by either party of any of the terms, covenants and conditions hereof to be performed, kept and observed by the other party shall be construed as, or shall operate as, a waiver of any subsequent default of any of the terms, covenants or conditions herein contained, to be performed, kept and observed by the other party.

Notices. Notices required herein may be given by registered certified, or express mail, and shall be deemed served on the date such notice is deposited in the United States Mail, or by prepaid private courier in the continental United States. Either party shall have the right, by giving written notice to the other, to change the address at which its notices are to be received. Until any such change is made, notices to Owner shall be delivered as follows:

**City of Wichita
455 N Main
Wichita, Kansas 67202**

Until any such change is made, notices to Design-Builder shall be delivered as follows:

**Mies Construction, Inc.
1919 Southwest Blvd
Wichita, KS 67213**

Captions. The captions/headings of the several Sections of this Agreement are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope or intent of any provisions of this Agreement, and shall not be construed to affect in any manner the terms and provisions hereof or the interpretation or construction thereof.

Severability. If one or more clauses, sections or provisions of this Agreement shall be held to be unlawful, invalid or unenforceable, the parties hereto agree that the material rights of either party shall not be affected thereby.

Waiver of Claims. Design-Builder hereby waives any claim against Owner and its officers or employees for loss of anticipated profits caused by any suit or proceedings directly or indirectly attacking the validity of Agreement or any part thereof, or by any judgment or award in any suit proceeding declaring this Agreement null, void or voidable, or delaying the same of any part thereof, from being carried out. The parties waive all claims against each other for incidental and consequential damages to include lost profits or revenues, equipment rental, office overhead, etc.

Incorporation of Exhibits. All exhibits referred to in this Agreement are intended to be and are hereby specifically made a part of this Agreement.

Incorporation of Required Provisions. The parties incorporate herein by this reference all provisions lawfully required to be contained herein by any governmental body or agency.

Non-Liability of Agents and Employees. No member, officer, agent or employees of Owner shall be charged personally or held contractually liable by or to the other party under the terms or

provisions of this Agreement or because of any breach thereof or because of its or their execution or attempted execution.

Successors and Assigns Bound. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto where permitted by this Agreement.

Right to Amend. In the event that the Federal Aviation Administration (FAA) or its successors require modifications or changes in this Agreement as a condition precedent to the granting of funds for the improvement of Airport, or otherwise, Design-Builder agrees to consent to such amendments, modifications, revisions, supplements or deletions of any of the terms, conditions or requirements of this Agreement as may be reasonably required.

Time of Essence. Time is of the essence in this Agreement.

Gender. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, unless the context otherwise requires.

Relationship of the Parties. It is understood Design-Builder is not in any way or for any purpose a partner or joint venturer with or an agent of Owner. Design-Builder shall act as an independent contractor in the performance of its duties pursuant to this Agreement.

Interpretation. Owner and Design-Builder hereby agree that this Agreement shall not be construed or interpreted in favor of either party on the basis of preparation.

Kansas Laws to Govern. This Agreement and the terms and conditions herein contained shall at all times be governed, interpreted and construed under and in accordance with the laws of the State of Kansas.

ARTICLE 9 ENUMERATION OF THE DESIGN-BUILD DOCUMENTS

§ 8.1 The Design-Build Documents are enumerated as follows:

§ 8.1.1 The Supplementary and other Conditions of the Agreement are as follows:

§ 8.1.2 Request for Proposals FP440074

§ 8.1.3 The Design-Builder's Proposal, dated December 2, 2014

§ 8.1.4 **Exhibit A** NON-DISCRIMINATION AND EQUAL EMPLOYMENT
OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM REQUIREMENTS
STATEMENT FOR CONTRACTS OR AGREEMENTS

§ 8.1.5 **Exhibit B** PERFORMANCE/MAINTENANCE BOND

§ 8.1.6 **Exhibit C** SURETY BOND

§ 8.1.7 **Exhibit D** Approved form of Design-Builder's Warranty

This Agreement entered into as of the day and year first written above.

City Of Wichita (Owner)

Mies Construction, Inc (Design-Builder)

Carl Brewer, Mayor

Signature

Attest:

Karen Sublett, City Clerk

Print Name

Title (President or Corporate Officer)

Approved as to form:

Sharon L Dickgrafe, Interim Director of Law and City Attorney

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

SUBJECT: Supplemental Design Agreement No. 1 for Improvements to St. Francis and Commerce, between Waterman and Lincoln (District I)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve Supplemental Agreement No. 1 and adopt the resolution.

Background: On September 14, 2010, the City entered into an agreement with Baughman Company for the development of a design concept for improvements to St. Francis and Commerce between Waterman and Kellogg. The design concept fee was \$105,670. The agreement provided language to hire Baughman Company to complete final design after City Council approval of the design concept. On December 9, 2014, the City Council approved the design concept.

Analysis: The proposed supplemental agreement between the City and Baughman provides for zoning, platting, and final plans of the rail yard parking area. The supplemental agreement also includes final plans for the conversion of St. Francis to two-way between Lincoln and Kellogg.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$74,900, bringing the total design fee to \$180,570. Funding is available in the existing budget, which was approved by the City Council on December 9, 2014, and is funded by general obligation bonds.

Legal Considerations: Supplemental Agreement No. 1 and the resolution has been reviewed and approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve Supplemental Agreement No. 1, adopt the resolution and authorize all necessary signatures, including those for the acquisition or granting of easements, utility relocation agreements, and required permits.

Attachments: Supplemental Agreement No. 1 and resolution.

SUPPLEMENTAL AGREEMENT #1
TO THE
AGREEMENT FOR PROFESSIONAL SERVICES DATED SEPTEMBER 14, 2010
BETWEEN
THE CITY OF WICHITA, KANSAS
PARTY OF THE FIRST PART, HEREINAFTER CALLED THE
"CITY"
AND
BAUGHMAN COMPANY, P.A.
PARTY OF THE SECOND PART, HEREINAFTER CALLED THE
"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated September 14, 2010) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to St. Francis & Commerce.

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

Zone Changes, addition of a Rail Yard Parking Lot, traffic study for
Two-Way Conversion on St. Francis, and Platting and Engineering Services
(see attached for further details)

B. PAYMENT PROVISIONS

The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement will increase the total contract by \$74,900.00.

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by July 3, 2015; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the original Contract, not specifically modified by this Supplemental Agreement, are hereby ratified and confirmed.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2015.

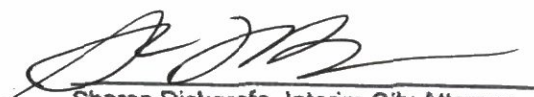
BY ACTION OF THE CITY COUNCIL

Carl Brewer, City Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:



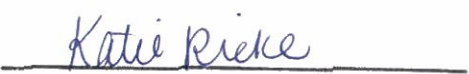
Sharon Dickgraft, Interim City Attorney
and Director of Law

Baughman Company, P.A.



(Name and Title)

ATTEST:



Katie Rieke



November 13, 2014

Gary Janzen
City Engineer
City of Wichita
455 N. Main, 7th Floor
Wichita, Kansas 67202

RE: Proposal for professional platting services for the rail yard property located south of Waterman and east of Commerce St., Wichita, Sedgwick County, Kansas

Gary,

Provided herein is our proposal to provide professional services on the above referenced property. These services include platting services for the Farha property proposed for a City Parking Lot. We have broken this proposal into two options. The first option is to plat only the Farha ownership. A second option would include the ground between the Farha Ownership and the existing buildings to the west. The plat will be processed through the Wichita Sedgwick County Planning Commission and City Council for their respective approvals. Following is a list of services our office will provide to complete these services:

PLATTING SERVICES:

1. Prepare Boundary & Topo Survey
2. Prepare Preliminary Plat
3. Prepare Final Plat
4. Subdivision Representation for Preliminary & Final Plat
5. Prepare & Submit Required Drainage & Utility Plans
(See below for additional information)
6. Set Platting Control Irons
7. Order & Review Title Work
8. Prepare Improvement Petitions (if required)
9. Advance All Filing Fees
10. Record Plat & Documents

ENGINEERING SERVICES:

1. Prepare Required Utility Plan
2. Prepare Drainage Plan and required calculations
3. Preliminary Operation and Maintenance Manual
4. Prepare Required NPDES Permit

ENGINEERING
SURVEYING
PLANNING
LANDSCAPE
ARCHITECTURE

Baughman Company, P.A.
315 Ellis
Wichita, Kansas 67211
P316-262-7271 F316-262-0149

Following are our fees to complete the previously stated work. Please note that our final billing will be based on our time and cost toward this project.

I. Platting Services (for Option 1)	\$ 12,000 to \$ 15,000
II. Platting Advanced Fees	\$ 1,600
III. Engineering Services (for Drainage/Utility Plan)	\$ 3,000 to \$ 4,000
IV. Additional Platting Services (for Option 2)	\$ 3,000 to \$ 4,000

Below please find our estimated advanced fees. These advanced fees in the approximate amount of \$ 1,600 include plat filing fees, required title work, improvement petition filing fees, and plat recording fees. Prior to filing the preliminary plat we will request that you pay us the estimated advanced fees. Any overrun or shortage on the advanced fees will be adjusted during the final billing process.

This proposal does not include any re-spread fees that the finance department may charge. These fees will be determined by the finance department during the platting process. Once these fees are determined, we will forward this information to you.

If you have any questions, please contact our office. If this proposal is acceptable to you, please sign and return to our office. Thank you for contacting Baughman Company to help you with this project.

Sincerely,
Baughman Company, P.A.



Philip J. Meyer, L.A.
Vice-President


Accepted

I-IV
Items

12/2/14
Date

cc: file

RESOLUTION NO. 15-022

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY, AND RESCINDING RESOLUTION NO. 14-354.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the Governing Body is authorized, pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City (the “Act”) to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefore, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefore; and

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements described as follows:

Design, acquisition of right-of-way, utility relocation, administration, and construction of improvements to St. Francis and Commerce, between Waterman and Lincoln, and costs of acquisition, design, zoning, platting and construction for a railway parking area between the Burlington Northern Santa Fe tracks and the buildings on the east side of Commerce Street (472-84935).

(the “Project”) and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act; and

WHEREAS, the Project has been previously authorized pursuant to Ordinance No. 48-836, this Resolution is intended to supplement that Ordinance and to authorize the Project pursuant to the Act.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Project Authorization. It is hereby authorized ordered and directed that the Project be acquired and/or constructed at an estimated cost of **\$2,055,000** in accordance with the plans and specifications therefor prepared under the direction of the City Engineer and approved by the Governing Body; and plans and specification to be placed on file in the office of the City Engineer.

Section 2. Project Financing. All or portion of the costs of the Project, interest on financing and administrative and financing costs shall be financed with the proceeds of general obligation bonds of the City (the “Bonds”). The Bonds may be issued to reimbursed expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 3. Prior Resolution Rescinded. Resolution No. 14-354 of the City of Wichita, approved December 9, 2014, is hereby rescinded.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing body.

ADOPTED by the City Council of the City of Wichita, Kansas, on January 13, 2015.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

APPROVED AS TO FORM:

SHARON L. DICKGRAFE
INTERIM DIRECTOR OF LAW AND CITY ATTORNEY

**CONTRACTS & AGREEMENTS
BLANKET PURCHASE ORDERS RENEWAL OPTIONS
DECEMBER 2014**

COMMODITY TITLE	EXPIRATION DATE	VENDOR NAME	DEPARTMENT	ORIGINAL CONTRACT DATES	RENEWAL OPTIONS REMAINING
Actuarial Services for Post Employment Benefits Other Than Pensions	12/31/2015	The Nyhart Company	Finance	1/1/2012 - 12/31/2012	1 - 1 year option
City Maps	12/31/2015	Ridgway's LLC DBA ARC - OK Central	Various	1/1/2003 - 12/31/2003	Annual basis
COBRA Plan Administration	12/31/2015	ASI Cobra	Human Resources	12/10/2012 - 12/31/2013	2 - 1 year options
Education Services for WER and Fire	12/31/2015	NestEgg Consulting, Inc. - Educational Services	Finance	10/1/2001 - 9/30/2002	Annual basis
Investment Consulting Services for WER and Police & Fire	12/31/2015	Callan Associates, Inc.	Finance	1/1/2012 - 12/31/2012	1 - 1 year option
Laboratory Samples & Analysis - Group 1	12/31/2015	Continental Analytical Services, Inc.	Public Works & Utilities	1/1/2013 - 12/31/2014	1 - 1 year option
Legal Services for City Worker's Compensation Claims	12/31/2015	Edward D Heath Jr.	Law	1/1/2012 - 12/31/2012	1 - 1 year option
Liquid Aluminum Sulfate	12/31/2015	Thatcher Company of Montana, Inc.	Public Works & Utilities	11/1/2013 - 10/31/2014	1 - 1 year option
Outsourcing Water Bills - Option 1	12/31/2015	High Cotton USA, Inc. dba High Cotton	IT / IS	7/1/2009 - 12/31/2010	1 - 1 year option
Phosphonic Acid	12/31/2015	Water-Wise Enterprises, LLC	Public Works & Utilities	1/1/2013 - 12/31/2013	Last option
Portable Toilets	12/31/2015	Waste Connections of Kansas, Inc.	Various	1/1/2013 - 12/31/2013	Last option
Record Keeping Services	12/31/2015	Northeast Retirement Services, Inc.	Finance	1/1/2004 - 12/31/2004	Last option
Special Liquor Programs (Fund Allocation)	12/31/2015	Big Brothers & Big Sisters of Sedgwick County, Center for Health and Wellness (2 contracts), Communities in Schools, Inc., DCCA, Inc., Higher Ground A Tiyospaye Inc. Program (3 contracts), Mental Health Assoc. of S Central Kansas (2 contracts), Miracles Inc., Mirror Inc., (2 contracts), Preferred Family Healthcare, Recovery Concepts, Substance Abuse Center of Kansas (2 contracts)	City Manager's Office	1/1/2014 - 12/31/2014	1 - 1 year option
Sweeping Parking Lots & Garages	12/31/2015	NCPM, Inc. dba Nexus Commercial Property Maintenance	Public Works & Utilities	1/1/2013 - 12/31/2013	Last option
Victim's Rights and Advocate Services	12/31/2015	Correctional Counseling of Kansas	Law	1/1/2013 - 12/31/2013	Last option
Wichita Retirement Systems Trust/Custody Bank Search (Custodian Services for WER)	12/31/2015	State Street Bank and Trust Company	Finance	1/1/2011 - 12/31/2011	Last option

**PROFESSIONAL CONTRACTS UNDER \$25,000
DECEMBER 2014**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		

**ANNUAL MAINTENANCE CONTRACTS OVER \$25,000
DIRECT PURCHASE ORDERS FOR DECEMBER 2014**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		
Avail Technologies Inc.	DP440922	ITS System Support Services	\$116,371.00		

CITY OF WICHITA
City Council Meeting
January 13, 2015

TO: Mayor and City Council

SUBJECT: Surplus of City-owned Property at 1001 East Pawnee (District III)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Declare the property surplus.

Background: In 2006, the City of Wichita acquired the real estate and improvements located at 1001 East Pawnee for the project to improve the intersection of Pawnee and Washington. The existing tenant believed it could continue to operate after the acquisition and requested that it be allowed to purchase the remnant rather than be relocated. The City sold the remnant to the tenant and took back a mortgage. In 2014, the City foreclosed on the property and the property was returned to the City. The improvements at this location consist of two buildings that were built in the 1950s. The primary building is a 1,440 square foot auto service garage with two overhead doors. The second building is a 1,152 square foot garage/storage area with three overhead doors.

Analysis: All City departments have been notified of the availability of the property. No governmental use has been identified. The Office of Property Management requests permission to declare the property surplus and available for sale. Engineering will determine what land is to be retained as road right-of-way before the City enters into any real estate agreements.

Financial Considerations: The City will receive cash consideration for the sale of the property. Additionally, the surplus and sale of this property to a private party will place additional value into the tax base and relieve the City of the cost to maintain the property.

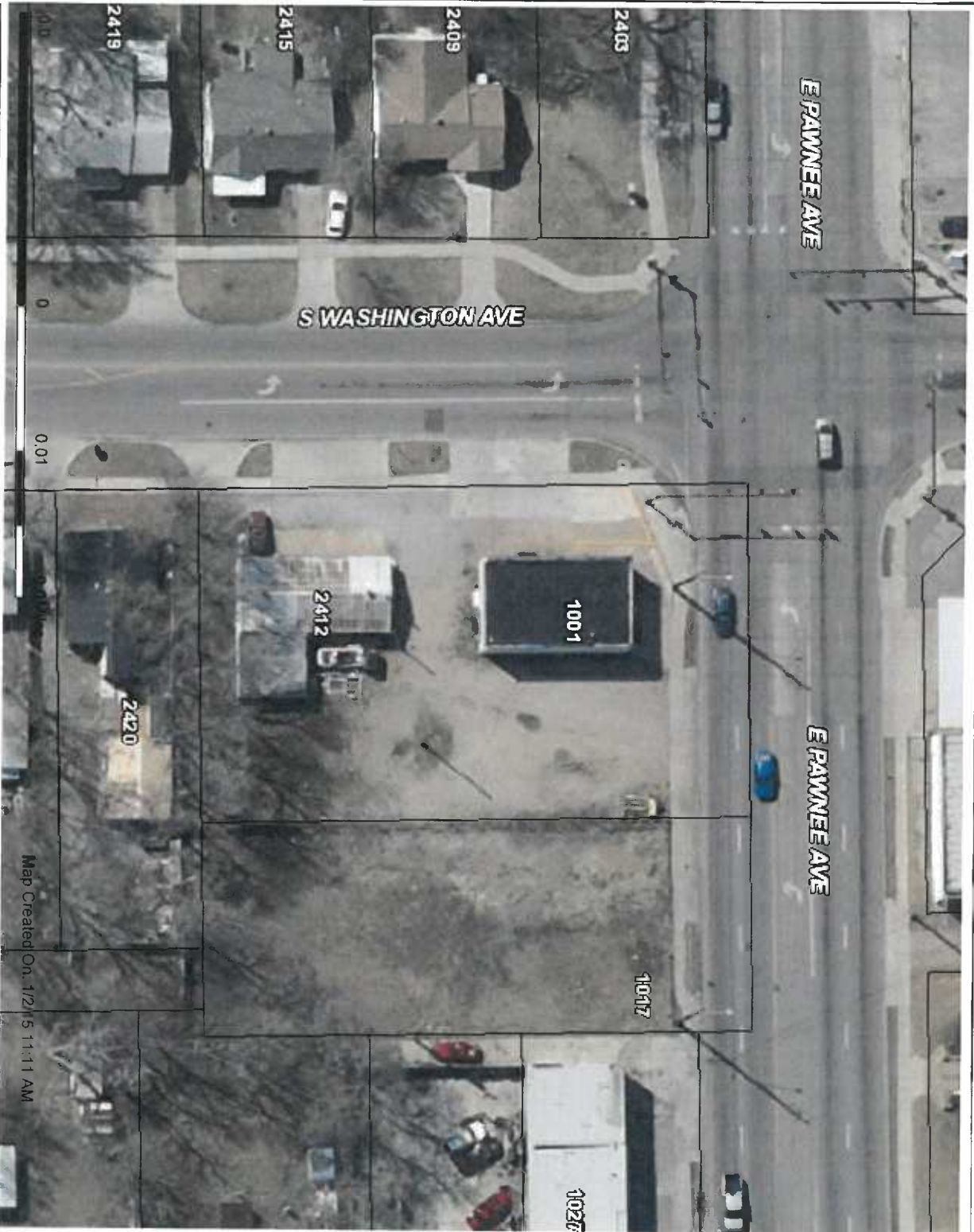
Legal Considerations: Any agreement for sale or lease will be provided to Law to be reviewed as to form.

Recommendation/Action: It is recommended that the City Council declare the property as surplus and designate it as available for sale to the general public.

Attachments: Aerial map.



1001 E Pawnee



Map Created On: 1/21/15 11:11 AM

Legend

- ☐ Parcels
- ☐ Airport Runway



This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

1: 572



City of Wichita
City Council Meeting
 January 13, 2015

TO: Mayor and City Council

SUBJECT: Child Advocacy Center of Sedgwick County Payment (All Districts)

INITIATED BY: Police Department

AGENDA: Consent

Recommended: Approve the budget adjustment and payment to the Child Advocacy Center of Sedgwick County.

Background: The Child Advocacy Center of Sedgwick County (CACSC) was developed to enhance the coordination of resources for children that have experienced abuse and neglect within the county by pulling the respective agencies together and housing a multidisciplinary team under one roof. The professionals represent prosecution, medical, therapeutic, law enforcement, social service and advocacy agencies. Since 1985, the Wichita Police Department, Sedgwick County Sheriff's Office and the Kansas Department of Children and Families (DCF) have partnered in the investigation of child abuse through the Exploited and Missing Children Unit (EMCU). This unit includes staff contributed by each entity, and positions funded through grants. In addition, all three departments share administrative expenses.

Analysis: The CACSC is very closely related to the partnership between the Wichita Police Department, DCF and the Sedgwick County Sheriff's Office, and will enhance the outcomes provided by EMCU. Some of these agencies are currently located in the basement of the State Office Building in space that has functional limitations. The CACSC relies on contributions to fund services.

Financial Considerations: The Police Department is projected to underspend funds budgeted for salaries and wages in 2014. Staff proposes shifting \$85,000 of these savings to contractals, to fund a payment to support the Child Advocacy Center of Sedgwick County. A recurring annual level of support will be considered in 2015 during the revised budget process. The shared expense breakdown is as follows:

Wichita Police Department	\$85,000
Sedgwick County	\$85,000
Department for Children and Families	<u>\$85,000</u>
Total	\$255,000

Legal Considerations: None.

Recommendations/Actions: It is recommended that the City Council approve the budget adjustment and payment of \$85,000 to support the Child Advocacy Center.

City of Wichita
City Council Meeting
January 13, 2014

TO: Mayor and City Council

SUBJECT: Sidewalk Repair Assessment Program (All Districts)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the assessments and place the ordinance on first reading.

Background: State law and City policy provide that sidewalk maintenance is the responsibility of abutting property owners. When sidewalk trip hazards are identified, property owners are required to repair the sidewalk as appropriate. Sidewalk repairs must be completed by a licensed contractor or the City's contractor. Property owners utilizing the City's contractor have the opportunity to spread the repair cost over a five-year period as a special assessment.

Sidewalks are condemned in all districts and listed in a logical order for the contractor to repair. The attached lists include sidewalk repairs completed in all districts.

Analysis: An ordinance has been prepared establishing authority to use special assessment funding for the repaired sidewalks.

Financial Considerations: Statements of Charges will be mailed to the property owners on January 30, 2015. Assessments paid within 30 days of the statement date are not charged interest. If unpaid, the principal and interest will be spread over a five-year period and placed on the 2015 tax roll.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the proposed assessments and place the ordinance on first reading.

Attachments: Property lists for special assessments and ordinance.

<u>Geo Code#</u>	<u>PIN #</u>	<u>Property Address</u>	<u>Total Cost</u>	<u>District</u>
00099170	A-00079	Parking lot south of 228 N Market	\$787.75	6
00099174	A-00081	230 N Market	\$523.75	6
00099176	A-00082	232 N Market	\$276.25	6
00099181	A-00084	258 N Market	\$256.75	6
00121072	B-02410	356 N Indiana	\$658.64	1
00124639	B-05483	1647 S Washington	\$259.28	3
00124641	B-05484-0001	1657 S Washington	\$134.48	3
00124643	B-05486	1709 S Washington	\$350.80	3
00124644	B-05487	1715 S Washington	\$423.60	3
00124645	B-05488	1717 S Washington	\$215.60	3
00124647	B-05490	1731 S Washington	\$244.72	3
00124648	B-05490-0001	1735 S Washington	\$571.52	3
00124649	B-05490-0002	1739 S Washington	\$375.76	3
00124650	B-05490-0003	1745 S Washington	\$513.04	3
00124654	B-05494	1807 S Washington	\$244.72	3
00124656	B-05496	1817 S Washington	\$290.48	3
00124657	B-05496-0001	1821 S Washington	\$286.32	3
00124658	B-05497	1827 S Washington	\$159.44	3
00124659	B-05498	1831 S Washington	\$124.08	3
00124660	B-05499	1835 S Washington	\$284.24	3
00124662	B-05501	1839 S Washington	\$419.44	3
00124663	B-05502	1841 S Washington	\$157.36	3
00124664	B-05503	1843 S Washington	\$246.80	3
00124665	B-05504	1903 S Washington	\$157.36	3
00124669	B-05507	1921 S Washington	\$521.36	3
00124672	B-05510	1937 S Washington	\$650.32	3
00124673	B-05511	1941/43 S Washington	\$375.76	3
00124680	B-05516-0002	1630 S Washington	\$155.28	3
00124683	B-05517	1642 S Washington	\$149.09	3
00124684	B-05517-0001	1648 S Washington	\$180.00	3
00124687	B-05518	1702 S Washington	\$373.68	3
00124688	B-05518-0001	1706 S Washington	\$267.76	3
00124689	B-05518-0002	1712 S Washington	\$400.88	3
00124690	B-05518-0003	1716 S Washington	\$178.24	3
00124691	B-05518-0004	1722 S Washington	\$210.00	3
00124693	B-05519	1734 S Washington	\$309.20	3
00124694	B-05519-0001	1738 S Washington	\$517.20	3
00124695	B-05519-0002	1742 S Washington	\$178.16	3
00124701	B-05521-0004	1828 S Washington	\$186.48	3
00124703	B-05521-0006	1834 S Washington	\$380.96	3
00124705	B-05523	1848 S Washington	\$132.40	3

00124706	B-05524	1852 S Washington	\$234.48	3
00124707	B-05525	1856 S Washington	\$382.00	3
00124709	B-05527	1906 S Washington	\$275.92	3
00124712	B-05529-0001	1922 S Washington	\$142.80	3
00124717	B-05534	1948 S Washington	\$581.94	3
00124719	B-05536	958 S Washington	\$525.52	3
00126433	B-06897	401 S Laura	\$1,331.00	1
00126434	B-06897-0001	1117 E Lewis	\$907.50	1
00126503	B-06963	350 S Ida	\$535.64	1
00126516	B-06975	351 S Laura	\$887.44	1
00127399	B-07771-0001	1315 E Lincoln	\$835.96	1
00127530	B-07889	1420 S Washington	\$926.96	3
00127531	B-07890	1436 S Washington	\$176.08	3
00128679	B-08729-0001	449 N Cleveland	\$332.60	1
00140037	C-03888	221 S Holyoke	\$431.92	1
00150269	C-05949	536 S Erie	\$885.10	1
00150271	C-05951	542 S Erie	\$617.80	1
00150272	C-05952	544 S Erie	\$460.00	1
00150274	C-05954	550 S Erie	\$181.80	1
00163328	C-17557	5318 E Mt Vernon	\$117.84	3
00163329	C-17558	1945 S Parkwood	\$273.84	3
00163330	C-17559	1939 S Parkwood	\$144.88	3
00163331	C-17560	1933 S Parkwood	\$240.56	3
00163336	C-17565	1901 S Parkwood	\$157.36	3
00163358	C-17587	1902 S Parkwood	\$153.20	3
00163359	C-17588	1908 S Parkwood	\$330.32	3
00163360	C-17589	1914 S Parkwood	\$545.14	3
00163362	C-17591	1926 S Parkwood	\$334.40	3
00163363	C-17592	1932 S Parkwood	\$238.48	3
00163364	C-17593	1938 S Parkwood	\$242.72	3
00163365	C-17594	1944 S Parkwood	\$238.48	3
00178034	C-32951	8113 E Clay	\$282.16	2
00178045	C-32961	802 S Eastmoor	\$442.32	2
00178046	C-32962	806 S Eastmoor	\$286.32	2
00178047	C-32963	810 S Eastmoor	\$174.00	2
00178049	C-32965	818 S Eastmoor	\$384.08	2
00178050	C-32966	822 S Eastmoor	\$35.36	2
00178051	C-32967	826 S Eastmoor	\$211.44	2
00178052	C-32968	830 S Eastmoor	\$29.12	2
00180801	C-35917	8038 E Dresden	\$157.36	2
00180804	C-35920	8026 E Dresden	\$276.10	2
00180807	C-35923	8014 E Dresden	\$352.88	2
00180808	C-35924	8010 E Dresden	\$182.32	2

00180811	C-35927	8001 E Dresden	\$350.14	2
00180815	C-35931	8017 E Dresden	\$481.20	2
00192022	C-45120-0001	7601 E 13th	\$1,752.72	2
00194188	C-47123	7532 E 10th	\$382.00	2
00194189	C-47124	7528 E 10th	\$382.00	2
00197867	D-00069	217 S Handley (on Burton)	\$610.80	4
00197869	D-00070	217 S Handley	\$346.64	4
00203594	D-03926	2615 W 2nd St N	\$365.48	6
00203595	D-03926-0001	254 N Edwards	\$296.72	6
00203606	D-03935	255 N Richmond	\$174.00	6
00203670	D-03997	2614 W Douglas	\$405.40	6
00203693	D-04012	2728 W Douglas	\$519.80	6
00203694	D-04012-0001	2722 W Douglas	\$184.40	6
00203695	D-04013	2716 W Douglas	\$283.20	6
00203696	D-04014	2708 W Douglas	\$166.20	6
00203697	D-04015	2706 W Douglas	\$181.80	6
00203698	D-04016	2702 W Douglas	\$298.80	6
00203710	D-04018-0004	2822 W Douglas	\$213.75	6
00203712	D-04018-0006	2806 W Douglas	\$327.40	6
00203713	D-04018-0007	2802 W Douglas	\$717.40	6
00204417	D-04626	1018 S Millwood	\$340.40	4
00204422	D-04631	1001 S Millwood	\$2,047.56	4
00204428	D-04637	1017 S Millwood	\$190.64	4
00204429	D-04638	1023 S Millwood	\$163.60	4
00204430	D-04639	1027 S Millwood	\$478.70	4
00204431	D-04640	1033 S Millwood	\$417.36	4
00206260	D-05955	258 N Richmond	\$590.00	6
00211562	D-10234	3804 W Douglas	\$2,150.00	6
00216287	D-15126	3448 W Douglas	\$639.92	6
00231503	D-30383-0001	3000 W Douglas	\$1,615.44	6
00240241	D-38174	8506 W Nantucket	\$278.00	5
00240242	D-38174-0001	8508 W Nantucket	\$169.84	5
00240244	D-38175-0001	8514 W Nantucket	\$512.04	5
00240245	D-38176	8526 W Nantucket	\$611.00	5
00240246	D-38176-0001	8528 W Nantucket	\$176.08	5
00241569	D-39100	605 N McLean Blvd	\$330.00	6
00243873	D-41142	V/L at 3636 W Douglas	\$153.20	6
00327129	C-50021-0001	1240 N Broadmoor	\$307.12	2
00334923	C-50456	1230 N Broadmoor	\$789.68	2
00489143	D-54786	101 N Sheridan	\$814.64	6
00489163	D-54806	102 N Sheridan	\$694.00	6
00489165	D-54808	110 N Mt Carmel	\$585.84	6
00594787	C-64038	1559 N Terhune St	\$769.76	2

00595583	C-36612-0001	4244 S Hydraulic	<u>\$431.92</u>	3
		TOTAL	\$53,308.68	

Published in the Wichita Eagle on January 30, 2015

ORDINANCE NO. 49-927

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE IMPROVEMENT OF AND PROVIDING A TAX LEVY FOR THE COST OF CONSTRUCTION OF **SIDEWALKS** IN THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sum set opposite each of the following lots, pieces, tracts and parcels of land or ground herein specified, be and the same are hereby levied to pay the cost of construction of sidewalks abutting the same:

Legal of Parcel in Benefit District	Assessment
LOT 70 MARKET ST. GREIFFENSTEIN'S ORIGINAL TOWN ADD.	\$787.75
LOTS 74-76-78 MARKET ST. GREIFFENSTEIN'S ORIGINAL TOWN ADD.	\$523.75
LOTS 80-82-84-86 MARKET ST. GREIFFENSTEIN'S ORIGINAL TOWN ADD.	\$276.25
LOTS 92-94-96 MARKET ST. GREIFFENSTEIN'S ORIGINAL TOWN ADD.	\$256.75
LOT 47 INDIANA AVE. MATHEWSON'S 3RD. ADD.	\$658.64
LOTS 37-39 WASHINGTON AVE FOREST PARK ADD	\$259.28
LOTS 45-47 WASHINGTON AVE FOREST PARK ADD.	\$134.48
LOTS 55-57 WASHINGTON AVE. FOREST PARK ADD.	\$350.80
LOTS 59-61 WASHINGTON AVE FOREST PARK ADD.	\$423.60
LOTS 63-65 WASHINGTON AVE FOREST PARK ADD.	\$215.60
LOTS 71-73 WASHINGTON AVE. FOREST PARK ADD.	\$244.72
LOTS 75-77 WASHINGTON AVE FOREST PARK ADD.	\$571.52
LOTS 79-81 WASHINGTON AVE FOREST PARK ADD.	\$375.76
LOTS 83-85 & N 17 FT LOT 87 WASHINGTON AVE. FOREST PARK ADD.	\$513.04
LOTS 101-103 WASHINGTON AVE FOREST PARK ADD.	\$244.72
LOTS 109-111 WASHINGTON AVE. FOREST PARK ADDITION	\$290.48
LOTS 113-115 WASHINGTON AVE. FOREST PARK ADD.	\$286.32
LOTS 117-119 WASHINGTON AVE. FOREST PARK ADD.	\$159.44
LOTS 121-123 WASHINGTON ST. FOREST PARK ADD.	\$124.08
LOTS 125-127 WASHINGTON AVE FOREST PARK ADD.	\$284.24
LOTS 133-135 WASHINGTON AVE FOREST PARK ADD	\$419.44
LOTS 137-139 WASHINGTON AVE FOREST PARK ADD.	\$157.36
LOTS 141-143 WASHINGTON AVE FOREST PARK ADD.	\$246.80
LOTS 145-147 WASHINGTON AVE FOREST PARK ADD	\$157.36

LOTS 161-163 WASHINGTON AVE FOREST PARK ADD.	\$521.36
LOTS 173-175 WASHINGTON AVE. FOREST PARK ADD.	\$650.32
LOTS 177-179 WASHINGTON FOREST PARK ADD	\$375.76
LOTS 22-24 WASHINGTON AVE FOREST PARK ADD.	\$155.28
LOTS 34-36 WASHINGTON AVE FOREST PARK ADD.	\$149.09
LOTS 38-40 WASHINGTON AVE FOREST PARK ADD.	\$180.00
LOTS 50-52 WASHINGTON AVE FOREST PARK ADD.	\$373.68
LOTS 54-56 WASHINGTON AVE FOREST PARK ADD.	\$267.76
LOTS 58-60 WASHINGTON AVE. FOREST PARK ADD.	\$400.88
LOTS 62-64 WASHINGTON AVE. FOREST PARK ADD.	\$178.24
LOTS 66-68 WASHINGTON AVE FOREST PARK ADD.	\$210.00
LOTS 74-76 WASHINGTON AVE FOREST PARK ADD.	\$309.20
LOTS 78-80 WASHINGTON AVE FOREST PARK ADD.	\$517.20
LOTS 82-84 WASHINGTON AVE FOREST PARK ADD	\$178.16
LOTS 118-120 WASHINGTON AVE FOREST PARK ADD.	\$186.48
LOTS 126-128 WASHINGTON AVE FOREST PARK ADD.	\$380.96
LOTS 134-136 WASHINGTON AVE FOREST PARK ADD.	\$132.40
LOTS 138-140 WASHINGTON AVE. FOREST PARK ADD.	\$234.48
LOTS 142-144 WASHINGTON AVE. FOREST PARK ADD.	\$382.00
LOTS 150-152 WASHINGTON AVE. FOREST PARK ADD.	\$275.92
LOTS 162-164 WASHINGTON AVE. FOREST PARK ADD.	\$142.80
LOTS 182-184 WASHINGTON AVE. FOREST PARK ADD.	\$581.94
LOTS 190-192 WASHINGTON AVE FOREST PARK ADD	\$525.52
E 82.7 FT LOTS 125-127 LAURA AVE. HUNTER'S 2ND. ADD.	\$1,331.00
W 57 FT LOTS 125-127 LAURA AVE HUNTER'S 2ND ADD	\$907.50
W 114 FT S 19 FT LOT 122 & W 114 FT LOT 124 IDA AVE. HUNTER'S SUB.	\$535.64

SECTION 2. That the sum set opposite each of the following lots, pieces, tracts and parcels of land or ground herein specified, be and the same are hereby levied to pay the cost of construction of sidewalks abutting the same:

LOTS 119-121 SUPPL OF COCHRAN'S SUB.	\$887.44
W 57 FT LOTS 1-3 LULU AVE. LINCOLN ST. ADD.	\$835.96
RES B & LOTS 28-30 WASHINGTON AVE. MC CORMICK'S ADD.	\$926.96
LOTS 32-34 WASHINGTON AVE MC CORMICK'S ADD.	\$176.08
LOT 8 CLEVELAND AVE. MATHEWSON MANOR ADD	\$332.60
N 50 7/8 FT E 1/2 S 1/2 LOT 3 HILLSIDE AVE. COLLEGE HILL ADD.	\$431.92
S 1/2 LOT 26-ALL LOT 28 & N 6 1/4 FT LOT 30 BLOCK 3 SUNNY-SIDE ADD.	\$885.10
LOTS 34-36 BLOCK 3 SUNNY-SIDE ADD.	\$617.80
LOTS 38-40 & N 3 FT LOT 42 BLOCK 3 SUNNY-SIDE ADD.	\$460.00
LOTS 46-48 BLOCK 3 SUNNY-SIDE ADD.	\$181.80
LOT 23 BLOCK 5 BUILDERS 3RD. ADD.	\$117.84
LOT 24 BLOCK 5 BUILDERS 3RD. ADD.	\$273.84

LOT 25 BLOCK 5 BUILDERS 3RD. ADD.	\$144.88
LOT 26 BLOCK 5 BUILDERS 3RD. ADD.	\$240.56
LOT 31 BLOCK 5 BUILDERS 3RD. ADD.	\$157.36
LOT 13 BLOCK 6 BUILDERS 3RD. ADD.	\$153.20
LOT 14 BLOCK 6 BUILDERS 3RD. ADD.	\$330.32
LOT 15 BLOCK 6 BUILDERS 3RD. ADD.	\$545.14
LOT 17 BLOCK 6 BUILDERS 3RD. ADD.	\$334.40
LOT 18 BLOCK 6 BUILDERS 3RD. ADD.	\$238.48
LOT 19 BLOCK 6 BUILDERS 3RD. ADD.	\$242.72
LOT 20 BLOCK 6 BUILDERS 3RD. ADD.	\$238.48
LOT 14 BLOCK 3 EASTRIDGE PARK ADD.	\$282.16
LOT 10 BLOCK 4 EASTRIDGE PARK ADD.	\$442.32
LOT 11 BLOCK 4 EASTRIDGE PARK ADD.	\$286.32
LOT 12 BLOCK 4 EASTRIDGE PARK ADD.	\$174.00
LOT 14 BLOCK 4 EASTRIDGE PARK ADD.	\$384.08
LOT 15 EXC S 4 FT BLOCK 4 EASTRIDGE PARK ADD.	\$35.36
LOT 16 & S 4 FT OF LOT 15 BLOCK 4 EASTRIDGE PARK ADD.	\$211.44
LOT 17 BLOCK 4 EASTRIDGE PARK ADD.	\$29.12
LOT 12 BLOCK 2 EASTRIDGE PARK 2ND. ADD.	\$157.36
W 2 FT LOT 14 & ALL LOT 15 EXC W 2 FT THEREOF BLOCK 2 EASTRIDGE PARK 2ND. ADD.	\$276.10
LOT 18 & E 3 FT LOT 19 BLOCK 2 EASTRIDGE PARK 2ND. ADD.	\$352.88
LOT 19 EXC W 2 FT & EXC E 3 FT BLOCK 2 EASTRIDGE PARK 2ND. ADD.	\$182.32
LOT 1 EXC E 2 FT BLOCK 3 EASTRIDGE PARK 2ND. ADD.	\$350.14
LOT 5 EXC E 1 FT & E 2 FT LOT 4 BLOCK 3 EASTRIDGE PARK 2ND. ADD.	\$481.20
N 605.97 FT LOT 3 BLOCK 1 FAIRFIELD ESTATES ADD.	\$1,752.72
LOT 20 BLOCK 1 FAIRFIELD CLUB ADD.	\$382.00
LOT 21 BLOCK 1 FAIRFIELD CLUB ADD.	\$382.00
LOTS 1-3-5 & S 2 1/2 FT LOT 7 & 1/2 VAC ALLEY ON W WICHITA NOW HANDLEY ST. WEST WICHITA ADD. EXEMPT NO. 92-15791-TX	\$610.80
N 22 1/2 FT LOT 7 - ALL LOT 9 & 1/2 VAC ALLEY ON W WICHITA NOW HANDLEY ST. WEST WICHITA ADD. EXEMPT NO. 92-15791-TX	\$346.64
E 46 FT LOTS 2-4 GATES NOW EDWARDS AVE. T.L. HUTCHISON'S ADD.	\$365.48
W 94 FT OF LOTS 2-4 GATES NOW EDWARDS AVE. T. L. HUTCHISON'S ADD.	\$296.72
E 102.5 FT LOTS 1-3 PERCY NOW RICHMOND AVE T L HUTCHISON'S ADD.	\$174.00
LOTS 47-48 BLOCK 2 ACADEMY PARK ADD.	\$405.40
LOTS 41-42 BLOCK 3 ACADEMY PARK ADD.	\$519.80
LOTS 43-44 BLOCK 3 ACADEMY PARK ADD.	\$184.40
LOTS 45-46 BLOCK 3 ACADEMY PARK ADD.	\$283.20
LOTS 47-48 BLOCK 3 ACADEMY PARK ADD.	\$166.20
LOTS 49-50 BLOCK 3 ACADEMY PARK ADD.	\$181.80

SECTION 3. That the sum set opposite each of the following lots, pieces, tracts and parcels of land or ground herein specified, be and the same are hereby levied to pay the cost of construction of sidewalks abutting the same:

LOTS 51-52 BLOCK 3 ACADEMY PARK ADD.	\$298.80
LOTS 43-44 BLOCK 4 ACADEMY PARK ADD	\$213.75
LOTS 49-50 BLOCK 4 ACADEMY PARK ADD.	\$327.40
LOTS 51-52 BLOCK 4 ACADEMY PARK	\$717.40
LOTS 18-20 BLOCK 5 REPLAT PART JOHN MC CORMICK'S ADD.	\$340.40
LOTS 1-2 BLOCK 6 REPLAT PART OF JOHN MCCORMICK'S ADD	\$2,047.56
LOTS 13-15 BLOCK 6 REPLAT PART OF JOHN MC CORMICKS ADD.	\$190.64
LOTS 17-19 BLOCK 6 REPLAT PART JOHN MC CORMICK'S ADD.	\$163.60
LOTS 21-23 BLOCK 6 REPLAT PT OF JOHN MC CORMICK'S ADD.	\$478.70
LOTS 25-27 BLOCK 6 REPLAT PART OF JOHN MC CORMICKS ADD.	\$417.36
W 100 FT LOTS 1-3 RICHMOND AVE. DIAMOND HILL ADD.	\$590.00
LOT 1 BLACK & TOWN'S ADD.	\$2,150.00
LOT 6 N. C. FREDERICK ADD.	\$639.92
BEG SE COR LOT 1 W 357.15 FT WLY 308.25 FT N 180 FT NE 152.87 FT NW 80 FT N 300.73 FT E 683.43 FT S 660 FT TO BEG WOODLAKE ADDITION	\$1,615.44
LOT 16 EXC BEG SW COR E 39.20 FT N 110.01 FT TO N LI W 40.70 FT TO NW COR LOT 16 S 110 FT TO BEG BLOCK 2 NORTHWEST VILLAGE 2ND. ADD.	\$278.00
BEG SW COR LOT 16 E 39.20 FT N 110.01 FT TO PT ON N LI 40.70 FT E OF NW COR W 40.70 FT TO NW COR S 110 FT TO BEG BLOCK 2 NORTHWEST VILLAGE 2ND. ADD.	\$169.84
LOT 17 EXC E 38 FT BLOCK 2 NORTHWEST VILLAGE 2ND. ADD.	\$512.04
LOT 18 EXC W1/2 BLOCK 2 NORTHWEST VILLAGE 2ND. ADD.	\$611.00
W1/2 LOT 18 BLOCK 2 NORTHWEST VILLAGE 2ND. ADD.	\$176.08
LOT 1 BLOCK 1 T.N.T. ADDITION	\$330.00
LOT 1 KEAGAN ADD.	\$153.20
PART OF LOTS 1 & 2 BEG NE COR LOT 1 TH S 252 FEET W 292.44 FT N 191.99 FT W 201.46 FT TO CUR ON W LI LOT 1 TH NE ALG CUR 54.78 FT NE 12.24 FT TO NW COR LOT 1 E 462.26 FT TO BEG BLOCK 1 CAPITAL ADD.	\$307.12
COMMON AREAS & FACILITIES OF BROADMOOR PROFESSIONAL BUILDING CONDOMINIUM - BEING LOTS 1-2	\$789.68
LOT 16 BLOCK 1 WOODLAKE 2ND ADD.	\$814.64
LOT 1 BLOCK 3 WOODLAKE 2ND ADD.	\$694.00
LOT 3 BLOCK 3 WOODLAKE 2ND ADD.	\$585.84
LOT 20 BLOCK D STONEBRIDGE 2ND ADD	\$769.76
LOT 1 EXC BEG 480 FT E SW COR TH N 340 FT E 520 FT SELY 101.82 FT E 172.52 FT TO E LI LOT 1 S 268 FT TO SE COR TH W ALG S LI 764.04 FT TO BEG BLOCK A NEW HOPE ADDITION	\$431.92

SECTION 4. The costs of constructing, reconstructing, and repairing abutting sidewalks hereof have been financed out of funds provided for in the maintenance of street general improvement fund. The sums so assessed and apportioned against the several lots and parcels of land as set out in Section 1 hereof and not paid within thirty (30) days from the date of publication of this ordinance shall be collected by special assessment upon the property liable therefor in five installments, the first of said installments to be extended upon the tax roll for the year **2015**, and one installment for each year thereafter for the full term of five years, each special installment shall include interest at the rate not to exceed the rate allowed by law and authorized by the City of Wichita Charter Ordinance No. 88 for projects funded from the maintenance of streets general improvement fund. Special assessment installments shall be certified to the County Clerk and shall be levied and collected in the same manner as other taxes.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED, at Wichita, Kansas, this **27th** day of **January, 2015**.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Sharon Dickgrafe Interim Director of Law

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

SUBJECT: Abatement of Dangerous and Unsafe Structures (Districts I, II, III, IV and VI)

INITIATED BY: Metropolitan Area Building and Construction Department

AGENDA: Consent

Recommendation: Approve the assessments and place the ordinances on first reading.

Background: The Metropolitan Area Building and Construction Department (MABCD) supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or board-up and secure private property that is in violation of housing and/or building code standards, after proper notification of the responsible party/parties. A private contractor or City staff performs the work, and the MABCD bills the cost to the property owner.

Analysis: State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the demolition and board-up abatements in question, and the MABCD is requesting permission for the Department of Finance to process the necessary special assessments.

Financial Considerations: Statements of Charges will be mailed to the property owners on January 30, 2015. The property owners have 30 days from the date of the statement to pay the assessment and avoid paying interest. If unpaid, the principal and interest will then be spread for one year and placed on the 2015 tax roll.

Legal Considerations: The ordinances have been reviewed and approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the proposed assessments and place the ordinances on first reading.

Attachments: Property List – Special Assessments and Ordinances

<u>PIN #</u>	<u>Geo Code#</u>	<u>Location</u>		<u>Amount</u>	<u>District #</u>
00120200	B-01617	1632 N Emporia	Demolition	\$7,392.00	VI
00136102	C-00970	1325 N Madison	Demolition	\$6,070.13	I
00136471	C-01223-1	1658 N Spruce	Demolition	\$4,548.77	I
00139717	C-03596	1658 N Green	Demolition	\$4,996.00	I
00159743	C-14015	2527 E Murdock	Demolition	\$14,021.00	I
00162262	C-16545	2017 N Madison	Demolition	\$9,741.00	I
00211792	D-10652-1	1001 W Marlboro	Demolition	\$5,350.00	III
00228171	D-27306	935 W Meikle	Demolition	\$9,372.00	IV
			Total	\$61,490.90	
00121987	B-03253	541 N Ohio Ave	Board Up	\$251.00	I
00134670	C-00135	2015 E Central Ave	Board Up	\$192.91	I
00134914	C-00223	347 N Ash St	Board Up	\$98.16	I
00160340	C-14381	1217 N Dellrose Ave	Board Up	\$196.90	I
00199578	D-00801-UP	11217 W 21st St N	Board Up	\$117.00	V
00241130	D-38864	600 S Holland Ln	Board Up	\$246.62	IV
00484731	C-55340	6105 S Minnesota Ave	Board Up	\$1,332.74	III
			Total	\$2,435.33	

____ Published in the Wichita Eagle on **January 30, 2015**

ORDINANCE NO. 49-928

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE REMOVAL OF CERTAIN STRUCTURES, BEING DANGEROUS AND UNSAFE BUILDINGS WHICH HAVE BEEN DECLARED A NUISANCE **(BUILDING CONDEMNATION-DEMOLITION)** UNDER THE PROVISION OF SECTIONS 18.16.010 TO 18.16.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sum set opposite the following lots, herein specified, be and the same is hereby levied to pay the cost of removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provisions of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, located and situated upon the following described property:

Legal of Parcel in Benefit District	Assessment
LOTS 131-133 EMPORIA ST EAGLE ADD	\$7,392.00
LOTS 114-116 & N 8 FT LOT 118 MADISON AVE. ELEVENTH ST. ADD.	\$6,070.13
W 65 FT LOTS 48-50 SPRUCE ST. LOGAN ADD.	\$4,548.77
LOTS 46-48 SHILLER NOW GREEN AVE. FAIRMOUNT ORCHARDS ADD.	\$4,996.00
LOT 30 PARKMORE 2ND. ADD.	\$14,021.00
LOT 16 BLOCK 3 BUILDERS 2ND. ADD.	\$9,741.00
LOT 6 EXC S 137.5 FT & EXC N 10 FT FOR ST ROBSON HEIGHTS 2ND. ADD.	\$5,350.00
LOT 32 BLOCK A DAVIS-WALKER ADD.	\$9,372.00

SECTION 2. The sum so assessed and apportioned against the lots herein before set out and not paid within 30 days from date of notice sent out by the Debt Management Office of the Department of Finance as provided by law, shall be collected by special assessment upon the property liable therefore in one installment and placed upon the tax roll for the year **2015** and shall be certified to the County Clerk and shall be levied and collected in the same manner as other taxes, and the Debt Management Office of the Department of Finance is hereby directed to give written notice to property owner(s) owning property assessed herein, as required by law.

SECTION 3. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

ADOPTED, at Wichita, Kansas, this **27th day of January, 2015.**

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form

:

Sharon Dickgrafe, Interim Director of Law

_____ Published in the Wichita Eagle on **January 30, 2015**

ORDINANCE NO. 49-929

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE REMOVAL OF CERTAIN STRUCTURES, BEING DANGEROUS AND UNSAFE BUILDINGS WHICH HAVE BEEN DECLARED A NUISANCE (**BUILDING EMERGENCY BOARD-UP**) UNDER THE PROVISION OF SECTIONS 18.16.010 TO 18.16.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sum set opposite the following lots, herein specified, be and the same is hereby levied to pay the cost of removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provisions of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, located and situated upon the following described property:

Legal of Parcel in Benefit District	Assessment
LOTS 35-37-39 CARPENTER'S ADD.	\$251.00
E 50.4 FT N 100 FT W 1/2 LOT 1 BUTLER & FISHER'S OUT-LOTS	\$192.91
LOTS 47-49 EXC PT TAKEN IN COND. CASE 95 C 1056 BUTLER & FISHER'S SUB	\$98.16
LOTS 17-18 BLOCK 7 COUNTRY CLUB HEIGHTS ADD.	\$196.90
BEG 210 FT W NE COR NW 1/4 S 264 FTW 120 FT N 264 FT E TO BEG EXC N 30 FT RD SEC 7-27-1W	\$117.00
LOT 8 BLOCK B RIDGE PLAZA 8TH. ADD.	\$246.62
LOT 12 BLOCK 5 SOUTH HYDRAULIC GARDENS ADD.	\$1,332.74

SECTION 2. The sum so assessed and apportioned against the lots herein before set out and not paid within 30 days from date of notice sent out by the Debt Management Office of the Department of Finance as provided by law, shall be collected by special assessment upon the property liable therefore in one installment and placed upon the tax roll for the year **2015** and shall be certified to the County Clerk and shall be levied and collected in the same manner as other taxes, and the Debt Management Office of the Department of Finance is hereby directed to give written notice to property owner(s) owning property assessed herein, as required by law.

SECTION 3. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

ADOPTED, at Wichita, Kansas, this **27th day of January, 2015**.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form

:

Sharon Dickgrafe, Interim Director of Law

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council Members

SUBJECT: Nuisance Abatement Assessments, Lot Clean Up (All Districts)

INITIATED BY: Metropolitan Area Building and Construction Department

AGENDA: Consent

Recommendation: Approve the assessments and place the ordinance on first reading.

Background: The Metropolitan Area Building and Construction Department (MABCD) supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinance allow the City to clean-up private properties that are in violation of environmental standards after proper notification is sent to the responsible party. A private contractor performs the work, and the MABCD bills the cost to the property owner.

Analysis: State law and City ordinance allow placement of the lot clean-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and the MABCD is requesting permission for the Department of Finance to process the necessary special assessments.

Financial Considerations: Nuisance abatement contractors are paid through budgeted appropriations from the City's General Fund. Owners of abated property are billed for the contractual costs of the abatement, plus an additional administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property. Nuisance abatements to be placed on special assessments are listed on the attached property list.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the proposed assessments and place the ordinance on first reading.

Attachments: Property List for Special Assessments and ordinance.

PIN #	Geo Code#	Address / Location	Amount	District #
00100356	A 010970001	1158 N Jackson	\$420.90	6
00109214	A 08538	311 W Lincoln	\$654.00	3
00113003	A 12966	3041 N Park Pl	\$1,611.20	6
00114498	A 14409	800 W 33rd St N	\$2,064.28	6
00120333	B 01727	1547 N Santa Fe	\$844.89	6
00121261	B 02599	342 N Pennsylvania	\$685.52	1
00121627	B 02918	530 N Cleveland	\$586.20	1
00121987	B 03253	541 N Ohio	\$944.67	1
00123829	B 04745	1004 S Topeka	\$585.00	3
00124550	B 05398	1342 S Emporia	\$831.46	3
00124708	B 05526	1900 S Washington	\$694.40	3
00128629	B 087120003	322 E Clark	\$681.86	3
00134695	C 00147	429 N Piatt	\$505.00	1
00134697	C 00148	427 N Piatt	\$525.56	1
00134875	C 00213	344 N Piatt	\$731.22	1
00135917	C 00829	1104 N Madison	\$592.16	1
00136055	C 00932	1208 N Piatt	\$655.00	1
00136102	C 00970	1325 N Madison	\$1,681.35	1
00136159	C 010200001	1820 E 12th N	\$611.20	1
00138328	C 024860001	2922 E Mossman	\$783.80	1
00150179	C 05861	321 S Poplar	\$416.80	1
00157225	C 11611	330 N Ridgewood Dr	\$417.40	1
00157603	C 11983	2324 E Random	\$665.00	1
00157866	C 12268001A	645 S Pershing	\$630.80	3
00158199	C 12498	842 S Beverly	\$915.66	3
00158347	C 12642	1822 E 22nd St N	\$415.60	1
00159237	C 13563	2003 N Chautauqua	\$593.16	1
00159741	C 14013	V/L S of 827 N Green	\$471.76	1
00159976	C 14173008J	806 S Pinecrest	\$580.80	3
00164238	C 18538	7032 E Lincoln	\$665.00	2
00164762	C 19100	1728 E Looman	\$667.55	1
00172451	C 27019	8027 E Lynwood Blvd	\$683.80	2
00176154	C 308540001	2629 N Gentry	\$995.10	1
00176717	C 31395	1050 N Armour Lane	\$670.32	2
00189730	C 43315	2175 S Cooper Ct	\$403.20	2
00202691	D 03313	1137 S Glenn	\$928.40	4
00205536	D 05373	1448 S Handley	\$587.56	4
00209788	D 08798	321 S McComas	\$498.30	4
00212079	D 10908	3533 S Cornell	\$1,787.80	4
00212658	D 11485	602 N Flora St	\$691.09	6
00212697	D 11522	431 N Elder	\$381.40	6
00217644	D 16405	1717 N Colorado St	\$679.40	6
00218792	D 17565	544 N Eisenhower	\$555.00	5
00222797	D 21822	5922 W Taft Ave	\$390.82	4
00228171	D 27306	935 W Meikle	\$836.20	4
00230578	D 29582	2525 W Douglas	\$439.50	4

00232698	D 31297	2450 S Yellowstone	\$427.48	4
00241130	D 38864	600 S Holland	\$981.40	4
00484700	C 55311	6044 S Minneapolis	\$937.20	3
00484731	C 55340	6105 S Minnesota	\$2,081.60	3
00485280	D 54254	5660 S Vandale	\$1,569.00	4
		Total	<u>\$39,653.77</u>	

Published in the Wichita Eagle on January 30, 2015

ORDINANCE NO. 49-930

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE COST OF ABATING CERTAIN PUBLIC HEALTH NUISANCES (**LOT CLEAN UP**) UNDER THE PROVISION OF SECTION 7.40.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sum set opposite each of the following lots, pieces and parcels of land or ground, herein specified, be and the same is hereby levied to pay the cost of abating certain public nuisances under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, which public health nuisances are determined to have existed upon the following described property:

Legal of Parcel in Benefit District	Assessment
W 71.5 FT LOTS 1045-1047 JACKSON AVE. GREIFFENSTEIN'S 8TH. ADD.	\$420.90
LOT 3 EXC ST OGDEN'S ADD.	\$654.00
LOTS 26-27-28 BLOCK 26 JONES PARK ADD.	\$1,611.20
S 290.5 FT E 316.62 FT LOT 21 EXC W 150 FT THEREOF WALNUT GROVE ADD.	\$2,064.28
LOTS 37-39 NORTH PARK ADD.	\$844.89
LOT 41 PENNSYLVANIA AVE. MATHEWSON'S 4TH. ADD.	\$685.52
LOTS 20-21 SHIRK'S ADD.	\$586.20
LOTS 35-37-39 CARPENTER'S ADD.	\$944.67
LOTS 114-116 BLOCK 9 ORME & PHILLIPS ADD.	\$585.00
LOTS 84-86 EMPORIA AVE ZIMMERLY'S 3RD. ADD.	\$831.46
LOTS 146-148 WASHINGTON AVE FOREST PARK ADD.	\$694.40
W 46 FT E 108 FT S 12.84 FT LOT 10 & W 46 FT E 108 FT N 24.48 FT LOT 11 TURLEY'S ADD.	\$681.86
LOTS 19-21 BUTLER & FISHER'S 2ND. ADD.	\$505.00
LOTS 23-25 BUTLER & FISHER'S 2ND. ADD.	\$525.56
LOT 56 & N1/2 LOT 58 BUTLER & FISHER'S SUB.	\$731.22
LOTS 42-44 TENTH ST. ADD.	\$592.16
LOTS 85-87 GUY NOW PIATT ELEVENTH ST. ADD.	\$655.00
LOTS 114-116 & N 8 FT LOT 118 MADISON AVE. ELEVENTH ST. ADD.	\$1,681.35
W 1/2 LOTS 82-83 ROSENTHAL'S 2ND. ADD.	\$611.20
LOTS 40-42 & S 5 ST VAC ALLEY IRVING NOW MOSSMAN AVE FRISCO AVE. ADD.	\$783.80
LOTS 21-23 POPLAR AVE. MC NAIR & SMITH'S ADD.	\$416.80
LOT 10 EXC N 20 FT & LOT 12 EXC S 30 FT BLOCK 2 BENTWOOD 2ND. ADD.	\$417.40
LOT 19 BLOCK 4 PARKMORE ADD.	\$665.00

LOTS 39-41-43 PERSHING AVE. BLUE GRASS SUB.	\$630.80
LOT 16 BLOCK 10 BEVERLY MANOR ADD.	\$915.66
LOT 14 BLOCK D MILLAIR ADD.	\$415.60
LOT 5 BLOCK 18 SHADY BROOK ADD.	\$593.16
LOT 28 PARKMORE 2ND. ADD.	\$471.76
S 46 FT N 92 FT W 135 FT BLOCK 3 BEVERLEY TERRACE ADD.	\$580.80
RESERVE G EXC BEG SE COR W 140 FT NELY 56.50 FT NELY 90 FT NELY 53.81 FT TO PT ON E LI S 140 FT TO BEG EASTRIDGE ADD REPLAT	\$665.00
LOT 14 BLOCK 2 J. WALTER ROSS ADD.	\$667.55
LOT 19 BLOCK 2 BONNIE BRAE ADD.	\$683.80
LOTS 20-22-24 BLOCK 9 COLLEGE CREST ADD.	\$995.10
LOT 5 BLOCK 5 2ND. ADD. TO PINE VALLEY ESTATES	\$670.32
LOT 40 & BEG NW COR LOT 39 TH NELY 21.32 FT SELY 144.56 FT TO PT ON FRT LI SWLY 18.06 FT TO SW COR NW 155.88 FT TO BEG BLOCK 5 HEDGECLIFF 3RD ADD	\$403.20
LOTS 39-41 GLENN AVE. GARFIELD ADD.	\$928.40
LOTS 17-18-19 EXC E 2 1/2 FT FOR ALLEY BLOCK 15 FRANKLIN YIKE ADD.	\$587.56
LOTS 29-31 BLOCK 3 QUINCY ADD.	\$498.30
LOT 4 BLOCK 10 JENKIN'S 2ND. ADD.	\$1,787.80
LOT 12 BLOCK 11 FRUITVALE PARK	\$691.09
LOT 7 BLOCK 13 FRUITVALE PARK ADD.	\$381.40
LOT 5 COLORADO ST. WEST LYNN ADD	\$679.40
N 1/2 LOT 14 WEST ST. LOUIS GARDENS	\$555.00
LOTS 4 & 5 BLOCK E WEST MAPLE GARDENS ADD.	\$390.82
LOT 32 BLOCK A DAVIS-WALKER ADD.	\$836.20
LOT 1 & VAC ALLEY ADJ ON S DILLON 4TH ADD.	\$439.50
LOT 2 BLOCK 4 THE PARK ADD.	\$427.48
LOT 8 BLOCK B RIDGE PLAZA 8TH. ADD.	\$981.40
LOT 5 BLOCK 3 SOUTH HYDRAULIC GARDENS ADD.	\$937.20
LOT 12 BLOCK 5 SOUTH HYDRAULIC GARDENS ADD.	\$2,081.60
LOT 2 BLOCK A J. & C. ADDITION	\$1,569.00

SECTION 2. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

ADOPTED, at Wichita, Kansas, this **27th day of January, 2015.**

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Sharon Dickgrafe, Interim Director of Law

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

SUBJECT: 2014-15 First Program Year Action Plan Second Amendment

INITIATED BY: Housing and Community Services Department

AGENDA: Consent

Recommendation: Approve the second amendment to the 2014-15 First Program Year Action Plan, and authorize the necessary requests for bids/proposals, funding agreements, contracts and signatures.

Background: On May 6, 2014, the City Council approved the 2014-2018 Consolidated Plan and First Program Year Action Plan for submission to the U.S. Department of Housing and Urban Development. The plan included an allocation of \$250,000 for summer youth employment activities to be implemented during the program year beginning July 1, 2014, and ending June 30, 2015. Because the full summer youth program (June through July) crosses two fiscal years, the 2014 activities were implemented and plans are underway for the 2015 program.

The 2014-15 plan also included a recommendation to allocate \$200,000 from unexpended Community Development Block Grant (CDBG) funds for neighborhood stabilization activities. Neighborhood Stabilization funds remain available until projects are identified. On May 13, 2014, a neighborhood stabilization project was approved in District I which allocated CDBG funds in the amount of \$50,000 for improvements to Dr. Glen Dey Park.

On December 9, 2014, the first program year action plan was amended to designate funding for three additional neighborhood stabilization projects in an amount totaling \$432,020. This amount included \$317,020 to partially fund a street paving project in District IV, anticipating that \$62,980 of additional project costs would come from a nonfederal funding source. An additional funding source could not be identified.

Analysis: The purpose of this action is to amend the 2014-15 First Program Year Action Plan to allocate additional Community Development Block Grant funds in the amount of \$25,000 for summer youth employment activities, and \$50,000 for neighborhood stabilization activities.

The additional allocation of \$25,000 for summer youth employment activities will provide summer youth employment for youth ages 16-17 during the month of June, 2015. This will be a pilot program for this older population of youth who previously participated in The Way to Work program when they were 14 or 15.

The additional allocation of \$50,000 for neighborhood stabilization activities will enable the Department of Public Works & Utilities to pave portions of Dora and Everett streets in District IV as previously planned. The total project cost is now estimated at \$367,020, and will be completely funded with CDBG funds.

The revised total for Neighborhood Stabilization activities including the amendments proposed herein is \$532,020.

Financial Considerations: All CDBG funds for these activities have been awarded by the U.S. Department of Housing and Urban Development. There is no impact to the General Fund with this action.

Legal Considerations: The Law Department has reviewed and approved the amendment as to form.

Recommendations/Actions: It is recommended that the City Council approve the second amendment to the 2014-15 First Program Year Action Plan, and authorize the necessary requests for bids/proposals, funding agreements, contracts and signatures.

Attachments:

2014-15 Annual Action Plan Amendment

2014-15 Allocation Spreadsheet, revised

Memorandum of Understanding, revised

City of Wichita
Amendment to the 2014-15 Annual Action Plan

On May 6, 2014, the City Council approved the 2014-2018 Consolidated Plan and First Program Year Action Plan which was approved by the U.S. Department of Housing and Urban Development on July 23, 2014. The plan allocated Community Development Block Grant (CDBG) funds in the amount of which included the 2014-15 annual allocation of \$1,679,109, as well as \$225,000 which was unallocated or unexpended from prior years, for a total of \$2,904,109.

The 2014-15 Annual Action Plan included specific allocations of funds for both summer youth employment activities and neighborhood stabilization activities, as detailed below:

- Summer Youth Employment - \$250,000 (includes \$25,000 prior year funds)
- Neighborhood Stabilization Activities - \$200,000 (prior year funds)

The purpose of this amendment is to increase the amount of funds allocated for those activities resulting in the following new totals:

- Summer Youth Employment - \$275,000 (includes \$50,000 prior year funds)
- Neighborhood Stabilization Activities - \$532,020 (prior year funds)

Public Participation

The Proposed Amendment to the 2014-15 Annual Action Plan will be considered by the City Council during their regular meeting on January 13, 2015.

Oral comments may be made at the public hearing to be held January 13, 2015, during the City Council meeting on the first floor of City Hall, 455 N. Main, Wichita, Kansas. Anyone requiring an auxiliary aid or services for effective communication with the City of Wichita personnel may contact the ADA coordinator in the office of the City Manager no later than 48 hours before the scheduled event.

THE CITY OF WICHITA

DATE: December 9, 2014 Revised January 13, 2015

TO: Alan King, Director of Public Works & Utilities

FROM: Mary K. Vaughn, Director of Housing & Community Services

SUBJECT: Memorandum of Understanding
District IV Street Paving

This Memorandum of Understanding (MoU) serves as the formal basis for assumption of the following performance requirements by the Department of Public Works & Utilities using funds provided under the Housing and Community Development Act of 1974, as amended.

It is mutually agreed between the Director of Housing & Community Services and the Director of Public Works & Utilities that the Department of Public Works & Utilities will furnish all services necessary to carry out the street paving project in the City's Neighborhood Revitalization Area, 2200 block of Dora and 1900 block of Everett, as specified in Attachment A, Performance Criteria, and detailed in map Attachment C.

In addition, the Department of Public Works will undertake the project and stay within the ~~\$380,000~~ **\$367,020 project budget using Community Development Block Grant (CDBG) funding as stated in Attachment B, Budget Detail.** ~~This project and the utilization of CDBG funding is contingent upon the identification of additional funding from other sources.~~

During the administration of activities covered by this Memorandum, the Department of Public Works & Utilities agrees to comply with all applicable laws, regulations and policies of the United States, the State of Kansas and the City of Wichita, including, but not limited to, the following:

1. Community Development Block Grant
 - a. Housing and Community Development Act of 1974, as amended
 - b. 24 CFR Part 570
 - c. City of Wichita Administrative Regulation No. 63
3. Equal Opportunity
 - a. Title VI, Civil Rights Act of 1964.
 - b. Section 109, Housing and Community Development Act of 1974, as amended.
 - c. Executive Order 11246, as amended.
 - d. Section 504 of the Rehabilitation Act of 1973, as amended and The Fair Housing Act. Accessibility Notice (Attachment D)
 - e. City of Wichita Administrative Regulation No. 23.
4. Section 3
 - a. Section 3, Housing and Urban Development Act of 1968, as amended (Attachment E).
 - b. City of Wichita Administrative Regulation No 1.5

5. Grant Administration
 - a. City of Wichita Administrative Regulation No. 2.4
6. Historic Preservation
 - a. National Historic Preservation Act of 1966, as amended.
 - b. National Environmental Policy Act of 1969.
 - c. Preservation of Historical and Archaeological Data Act of 1974, amended.
 - d. 24 CFR Part 58.
7. Other
 - a. Federal Labor Standards.
 - b. Clean Air Act, as amended.
 - c. Lead-Based Paint Poisoning Prevention Act, as amended (note: requires certifications be retained in project files).
 - d. 24 CFR Part 35 - Lead-based Paint Poisoning Prevention in Certain Residential Structures.
 - e. 49 CFR Part 24 - Uniform Relocation Assistance and Real Property Acquisition Policies Act.
 - f. City of Wichita Administrative Regulation 1.2
 - g. City of Wichita Relocation and Anti-displacement Plan (one-for-one housing replacement).
 - h. HUD Expenditure Guidelines.

Department of Housing & Community Services will review all changes, modifications, deletions or additions to the Memorandum of Understanding prior to being sent to the City Manager or City Council.

Any significant change in scope and intent of this Memorandum of Understanding shall be considered and approved or disapproved by all parties. A significant change is defined as a change in program intent, program beneficiaries, basic program guidelines, and any budget or funding change over \$25,000. Any change approved by the City Council shall have the full force and effect as all other provisions of this Memorandum of Understanding as though originally fully set out herein and shall be codified by a formal amendment.

Changes or amendments to this Memorandum of Understanding not submitted to the City Council for approval must be in writing and have the written approval of all signatories of this agreement.

Approval by the Director of Housing & Community Services and the City Manager constitutes a directive to implement this project.

This Memorandum of Understanding shall remain in force until December 31, 2016.

APPROVED:

DATE

Mary K. Vaughn
Director of Housing & Community
Services

Alan King
Director of Public Works & Utilities

Robert Layton
City Manager

APPROVED AS TO FORM:

Sharon L. Dickgrafe
Interim Director of Law and
City Attorney

***Community Development Block Grant
PERFORMANCE CRITERIA***

The Department of Public Works & Utilities shall utilize CDBG funds in the amount of ~~\$367,020, and additional project funds in an amount not to exceed a total of \$380,000~~ to perform all services necessary to complete the concrete paving of the 2200 block of Dora and the 1900 block of Everett, as illustrated on the map (Attachment C)

This activity is eligible under 24 CFR 570.201(c), public facilities and improvements meeting the HUD National Objective on a Low Mod Area Benefit under 24 CFR 570.208(1)(i). (Attachment C).

SCOPE OF SERVICES:

1. The Department of Public Works & Utilities will provide project oversight and coordination within the project budget and provide the Department of Housing & Community Services with all contracts between the City and subcontractors for review before being submitted to Law or the City Manager.
2. All projects funded with CDBG funds will require an Environmental Review by the Metropolitan Area Planning Department. The Department of Public Works & Utilities will request such a review and ensure that it is completed prior to any expenditure of funds. Any changes in the scope or alternate locations of work to be performed will require an Environmental Review update. All requests for Environmental Review must include the following information:
 - Requesting department
 - Funding source
 - Description of work to be performed
 - Address or legal description of property
3. The Department of Public Works & Utilities will develop specifications and Purchasing will bid this project and encourage Emerging Business Enterprises (EBE) to participate.
4. The Department of Public Works will develop specifications which include Federal Labor Standards, opportunities for EBE participation and Section 3 requirements. Bids will be solicited through Purchasing. The specifications shall require the contractor to supply all equipment, material, and services necessary to complete the job, including labor, and will warrant the work for a period of time commensurate with the type of improvement and industry standards. Prior to sending bid specifications, Public Works & Utilities will provide Housing & Community Services with a copy of the bid specifications to ensure all necessary federal forms are included.
 - A. Federal Labor Standards - Housing & Community Services Department will obtain a wage decision from HUD to apply to this project. The wage decision provided by HUD must be included in the bid specifications.
 - B. Emerging Business Enterprises – The Purchasing Department shall enhance opportunities

for qualified Emerging Business Enterprises by increasing their representation in the competitive base of contractors from which the City regularly purchases goods and services and ensure that all suppliers have equal access to the City's purchasing opportunities.

The Purchasing Department must demonstrate affirmative action to encourage EBEs participation per 24 CFR 570.506(g)(6) and report to the Department of Housing & Community Services the level of participation using Attachment E.

- C. Section 3 of the HUD Act of 1968 – Department of Public Works & Utilities must comply with 24 CFR Part 135, Section 3 of the HUD Act of 1968, as amended, which requires that, to the greatest extent feasible, employment and other economic opportunities shall be directed to low and very low income persons, and to business concerns which provide economic opportunities to such persons.

Contractors and subcontractors with contracts over \$100,000 shall maintain information as indicated on HUD form 2516 (Attachment E) and submit such information annually to the Department of Public Works and on completion of the project or by December 31, 2016, whichever comes first. The Department of Public Works & Utilities shall provide a copy of all HUD-2516 forms submitted to Housing & Community Services.

Section 3 Goals

The City of Wichita in accordance with 24 CFR Part 135, has established goals for CDBG assisted projects. All Section 3 covered contracts shall include the Section 3 clause as shown in Attachment E. Consistent with existing Federal, State and local laws and regulations, the City of Wichita has set the following goals to comply with the Section 3 requirements:

- Committing to employ Section 3 residents at a rate of 30% of the aggregate of new hires for housing and community development assisted projects;
- Committing to contract a minimum of 10% of the total dollar amount of all other Section 3 covered contracts, such as community development infrastructure improvements or professional services;
- Committing to a minimum of 3% of the total dollar amount of all other Section 3 covered contracts.

Section 3 applies to training, employment, contracting and other economic opportunities arising in connection with the expenditure of CDBG funds for the following activities:

- Housing construction
- Housing rehabilitation
- Other public construction

5. The Department of Public Works & Utilities will schedule a pre-bid and pre-construction conference to review and explain applicable EEO/AA, Federal Labor Standards and Section 3 requirements. The Department of Public Works must also document the affirmative steps to enhance opportunities for EBEs. Such affirmative steps may include, but not limited to, technical assistance that is open to all businesses.

6. The Department of Public Works & Utilities will verify satisfaction through Housing & Community Services that the contractor and its subcontractors have provided all necessary documentation and complied with all HUD regulations, before making final payment.
7. The Department of Public Works & Utilities will ensure construction is completed according to the extent funds are available. Substitutions or additions can be made as long as the budget contained herein is not exceeded and the substitutions or additions meet all CDBG project eligibility requirements. Substitutions or additions will require prior written approval from Housing & Community Services.
8. The Department of Public Works & Utilities will ensure that all of the contractor's necessary paperwork and documentation for CDBG requirements and Davis-Bacon compliance has been submitted to Housing & Community Services before final payment is made.
9. Any failure of the subrecipients to live up to the terms of their contract are to be immediately reported to Housing & Community Services with the following information: Agency Name, Address, Program Name, Date of Infraction, Detailed report of infraction(s), Actions taken or planned to resolve the violation.

BUDGET:

The total budget amount for this project shall not exceed **\$367,020**, ~~of which \$317,020 is available from CDBG as specified in the budget detail and explanation (Attachment B). It is understood and agreed by and between the Director of Housing & Community Services and the Director of Public Works & Utilities that utilization of CDBG funds is contingent upon the identification of additional funding sources adequate to assure the completion of the project.~~

All payroll reports will document each project's organizational cost account (OCA) number and the total number of hours worked each day for each OCA as required by the Office of Management and Budget's OMB Circular No. A-87. Charges to Federal awards for salaries and wages, whether treated as direct or indirect costs, will be based on payrolls documented in accordance with generally accepted practice of the governmental unit and approved by the responsible official(s) of the governmental unit.

TIMETABLE:

Project Phasing	Phase 1
Environmental Review	February 1, 2015
Completion of Specification	July 1, 2015
Advertise for Bids	July 15, 2015
Pre-Bid Conference	July 20, 2015
Bid Opening	July 24, 2015
Contract Award Date	August 3, 2015
Pre-Construction Meeting	August 10, 2015
Work Order (Construction Start Date)	August 17, 2015
Construction Completion Date	October 16, 2015

The timetable provided is the best available based on current information and subject to change due to its reliance upon the Engineering firm hired to design plans.

REPORTS:

Upon award of the contract, the Department of Public Works & Utilities will furnish the Department of Housing & Community Services with a Contract and Subcontract Activity Report (Attachment D) identifying all activity on the project and the Emerging Business Enterprise involvement with such contracts.

Upon completion of construction, and before December 31, 2016 Department of Public Works & Utilities will furnish Housing & Community Services a final list of work completed.

CDBG EXPENDITURE STANDARDS

The City of Wichita is required to meet timely expenditure standards. Failure to meet the timeliness expenditure standards will subject the City to a mandatory reduction of 100% the CDBG amount which is in excess of the HUD timeliness standard.

All CDBG funded projects will be monitored at least annually to determine if CDBG funded activities are being carried out in a timely manner including timely expenditure rates. All subrecipients administering CDBG funded projects that do not meet the basic expenditure standard at the end of the first quarter will be notified. Each Subgrantee receiving a notice will be required to submit a corrective action plan to the Department of Housing & Community Services explaining the actions to be undertaken to correct the CDBG expenditure rates. Subrecipients will have until the end of the second quarter to rectify the issue.

Ninety days into the project Housing & Community Services will re-evaluate untimely projects. If the re-evaluation indicates that CDBG expenditure rates do not meet the provisions of this section, Housing & Community Services may take corrective action by recapturing project funds from the project and reallocating those funds to another eligible activity. Projects with continuing timeliness issues will be evaluated monthly and budget reduction adjustments will be made as necessary.

OTHER REQUIREMENTS

All procurement will be accomplished according to City of Wichita and HUD purchasing policies and procedures in accordance with CFR Part 85.

The Department of Public Works & Utilities shall record all program transactions into the City's financial system according to procedures established by the Controller's Office.

The Department of Public Works & Utilities shall establish and maintain accounting records specifically for the CDBG funds. Original documentation supporting all expenditures and other program records will be retained for five years after the final audit of expenditures made under this agreement. Records shall also be maintained documenting performance indicated in monthly reports and are subject to review by City staff.

All CDBG funded projects will be monitored at least annually to determine if CDBG funded activities are being carried out in accordance with the applicable Code of Federal Regulations.

BUDGET DETAIL

FUND		DEPT./DIVISION	PROJECT	PROJECT-OCA
Community Development Block Grant		Housing and Community Services – Community Investments	Street Paving	
Account Classification				Budget
<u>PERSONAL SERVICES</u>				
01	110	Salaries		
	1100	Bi-Weekly Wages		
	1101	Longevity		
	1205	Auto Allowance		
	1208	Cellular Phone Allowance		
	140	Employee Benefits		
	1400	FICA		
	1401	Employees Pension		
	1403	Worker's Compensation		
	1404	Unemployment Compensation		
	1405	Group Health Insurance		
	1406	Group Life Insurance		
TOTAL				\$0
<u>CONTRACTUAL SERVICES</u>				
02	2200	PBX – Line Charges		
	2201	PBX – Instrument Charges		
	2203	Long Distance Service		
	2207	Postage – Regular		
	2301	Meals/Lodging Allowance		
	2302	Out of Town Registration		
	2304	Training Consultants		
	2308	Transportation Out of Town		
	2505	Contractor		0
	2600	Data Center Charges		
	2902	Advertising		0
	2917	Printing & Photocopying		
	2999	Other Contractuals		
TOTAL				\$367,020
<u>OTHER</u>				
05	5308	Overhead		0
TOTAL				\$0
GRAND TOTAL				\$367,020

This page left blank intentionally. Insert **Attachment C, CDBG FY14-15 Project Map showing streets to be paved**

U.S. Department of Housing and Urban Development
Community Planning and Development

Special Attention of:

Notice: CPD-05-10

All Secretary's Representatives
All State/Area Coordinators
All CPD Office Directors
All FHEO Field Offices
All CDBG Grantees

Issued: November 3, 2005
Expires: November 3, 2006

SUBJECT: Accessibility for Persons with Disabilities to Non-Housing Programs funded by Community Development Block Grant Funds -- Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, and the Architectural Barriers Act

I. Purpose

The purpose of this Notice is to remind recipients of Federal funds under the Community Development Block Grant (CDBG) Program of their obligation to comply with Section 504 of the Rehabilitation Act of 1973, HUD's implementing regulations (24 CFR Part 8), the Americans with Disabilities Act, (ADA) and its implementing regulations, (28 CFR Parts 35, 36), and the Architectural Barriers Act (ABA) and its implementing regulations (24 CFR Parts 40, 41) in connection with recipients' non-housing programs. This Notice describes key compliance elements for non-housing programs and facilities assisted under the CDBG programs. However, recipients should review the specific provisions of the ADA, Section 504, the ABA, and their implementing regulations in order to assure that their programs are administered in full compliance.

Applicability

This Notice applies to all non-housing programs and facilities assisted with Community Development Block Grant Funds (e.g. public facilities and public improvements, commercial buildings, office buildings, and other non-residential buildings) and facilities in which CDBG activities are undertaken (e.g., public services). A separate Notice is being issued concerning Federal accessibility requirements for housing programs assisted by recipients of CDBG and HOME program funds.

II. Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973, as amended, provides "No otherwise qualified individual with a disability in the United States ... shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination

under any program or activity receiving Federal financial assistance...". HUD's regulations implementing the Section 504 requirements can be found at 24 CFR Part 8.

Part 8 requires that recipients ensure that their programs are accessible to and usable by persons with disabilities. Part 8 also prohibits recipients from employment discrimination based upon disability.

The Section 504 regulations define "recipient" as any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution organization, or other entity or any person to which Federal financial assistance is extended for any program or activity directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance (24 CFR 8.3). For the purposes of Part 8, recipients include States and localities that are grantees and subgrantees under the CDBG program, their subrecipients, community-based development organizations, businesses, and any other entity that receives CDBG assistance, but not low and moderate income beneficiaries of the program. CDBG grantees are responsible for establishing policies and practices that they will use to monitor compliance of all covered programs, activities, or work performed by their subrecipients, contractors, subcontractors, management agents, etc.

Non-housing Programs

New Construction – 24 CFR Part 8 requires that new non-housing facilities constructed by recipients of Federal financial assistance shall be designed and constructed to be readily accessible to and usable by persons with disabilities (24 CFR 8.21(a)).

Alterations to facilities -- Part 8 requires to the maximum extent feasible that recipients make alterations to existing non-housing facilities to ensure that such facilities are readily accessible to and usable by individuals with disabilities. An element of an existing non-housing facility need not be made accessible if doing so would impose undue financial and administrative burdens on the operation of the recipients program or activity (24 CFR 8.21 (b)).

Existing non-housing facilities - A recipient is obligated to operate each non-housing program or activity so that, when viewed in its entirety, the program or activity is readily accessible to and usable by persons with disabilities (24 CFR 8.21 (c)).

Recipients are not necessarily required to make each of their existing non-housing facilities accessible to and usable by persons with disabilities if when viewed in its entirety, the program or activity is readily accessible to and usable by persons with disabilities 24 CFR 8.21(c)(1)). Recipients are also not required to take any action that they can demonstrate would result in a fundamental alteration in the nature of its program or activity or cause an undue administrative and financial burden. However, recipients are still required to take other actions that would not result in such alterations, but would nevertheless ensure that persons with disabilities receive the benefits and services of the program (24 CFR 8.21(c)(iii)).

Historic Preservation - Recipients are not required to take any actions that would result in a substantial impairment of significant historic features of an historic property. However, in such cases where a physical alteration is not required, the recipient is still obligated to use alternative means to achieve program accessibility, including using audio-visual materials and devices to depict those portions of a historic property that cannot be made accessible, assigning persons to guide persons with disabilities into or through portions of historic properties that cannot be made accessible, or otherwise adopting other innovative methods so that individuals with disabilities can still benefit from the program (24 CFR 8.21(c)(2)(ii)).

Accessibility Standards

Design, construction, or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) is deemed to comply with the accessibility requirements for nonhousing facilities. Recipients may depart from particular technical and scoping requirements of UFAS where substantially equivalent or greater accessibility and usability is provided (24 CFR 8.32). For copies of UFAS, contact the HUD Distribution Center at 1-800-767-7468; hearing-impaired, or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8339.

Where a property is subject to more than one law or accessibility standard, it is necessary to comply with all applicable requirements. In some cases, it may be possible to do this by complying with the stricter requirement; however, it is also important to ensure that meeting the stricter requirement also meets both the scoping and technical requirements of overlapping laws or standards.

Employment

Section 504 also prohibits discrimination based upon disability in employment (see 24 CFR Part 8, Subpart B).

III. The Americans With Disabilities Act of 1990

The Americans With Disabilities Act of 1990 (ADA) guarantees equal opportunities for persons with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications. Unlike Section 504 which applies only to programs and activities receiving Federal financial assistance, the ADA applies even if no Federal financial assistance is given.

The U.S. Department of Justice enforces Titles I, II, and III of the ADA. HUD shares enforcement responsibility with the Department of Justice for Title II, and is designated the lead Federal agency for all programs, service and regulatory activities relating to state and local public housing and housing assistance and referral. The Equal Employment Opportunity Commission investigates administrative complaints involving Title I. For further information regarding The U.S. Department of Justice enforcement of Title II of the ADA, please visit <http://www.ADA.gov>.

Title I prohibits discrimination in employment based upon disability. The regulations implementing Title I are found at 29 CFR Part 1630. The Equal Employment Opportunity Commission (EEOC) offers technical assistance on the ADA provisions applying to employment. These can be obtained at the EEOC web site www.eeoc.gov, or by calling 800-669-3362 (voice) and 800-800-3302 (TTY).

Title II prohibits discrimination based on disability by State and local governments. Title II essentially extended the Section 504 requirements to services, programs, and activities provided by States, local governments and other entities that do not receive Federal financial assistance from HUD or another Federal agency. CDBG grantees are covered by both Title II and Section 504. The Department of Justice Title II regulations are found at 28 CFR Part 35.

Title II also requires that facilities that are newly constructed or altered, by, on behalf of, or for use of a public entity, be designed and constructed in a manner that makes the facility readily accessible to and usable by persons with disabilities. (28 CFR 35.151 (a) & (b)) Facilities constructed or altered in conformance with either UFAS or the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to 28 CFR Part 36) shall be deemed to comply with the Title II Accessibility requirements, except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(j) of ADAAG shall not apply. (28CFR 35.151(c))

Title II specifically requires that all newly constructed or altered streets, roads, and highways and pedestrian walkways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level or pedestrian walkway and that all newly constructed or altered street level pedestrian walkways must have curb ramps at intersections. Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways. (28CFR 35.151(e))

The Title II regulations required that by January 26, 1993, public entities (State or local governments) conduct a self-evaluation to review their current policies and practices to identify and correct any requirements that were not consistent with the regulation. Public entities that employed more than 50 persons were required to maintain their self-evaluations on file and make it available for three years. If a public entity had already completed a self-evaluation under Section 504 of the Rehabilitation Act, then the ADA only required it to do a self-evaluation of those policies and practices that were not included in the previous self-evaluation. (28 CFR 35.105)

The Department of Justice offers technical assistance on Title II through its web page at www.usdoj.gov/crt/ada/taprog.htm, and through its ADA Information Line, at **202 514-0301 (voice and 202-514-0383 (TTY))**. The Department of Justice's technical assistance materials include among others, the Title II Technical Assistance Manual with Yearly Supplements, the ADA guide for Small Towns, and an ADA Guide entitled The ADA and City Governments: Common Problems.

Title III prohibits discrimination based upon disability in places of public accommodation (businesses and non-profit agencies that serve the public) and “commercial” facilities (other businesses). It applies regardless of whether the public accommodation or commercial facility is

operated by a private or public entity, or by a for profit or not for profit business. The Department of Justice Title III regulations are found at 28 CFR Part 36. The Department of Justice also offers technical assistance concerning Title III through the web page cited above and the ADA Hotline cited above.

Justice also offers technical assistance concerning Title III through the web page cited above and the ADA Hotline cited above.

IV. The Architectural Barriers Act of 1968

The Architectural Barriers Act of 1968 (ABA) (42 U.S.C. 4151-4157) requires that certain buildings financed with Federal funds must be designed, constructed, or altered in accordance with standards that ensure accessibility for persons with physical disabilities. The ABA covers any building or facility financed in whole or in part with Federal funds, except privately-owned residential structures. Covered buildings and facilities designed, constructed, or altered with CDBG funds are subject to the ABA and must comply with the Uniform Federal Accessibility Standards (UFAS) (24 CFR 570.614). In practice, buildings built to meet the requirements of Section 504 and the ADA will conform to the requirements of the ABA.

Self Evaluations

The Section 504 regulations required recipients of Federal financial assistance to conduct a self-evaluation of their policies and practices to determine if they were consistent with the law's requirements. This self evaluation was to have been completed no later than July 11, 1989. Title II of the ADA imposed this requirement on all covered public entities. The ADA regulations required that ADA self evaluations be completed by January 26, 1993, although those public entities that had already performed a Section 504 self evaluation were only required to perform a self-evaluation on those policies and practices that had not been included in the Section 504 review.

The regulatory deadlines are long past. Nonetheless, recipients who have not completed a self-evaluation are encouraged to conduct a self-evaluation to be in compliance with this requirement under these regulatory provisions.

Involving persons with disabilities in the self-evaluation process is very beneficial. This will assure the most meaningful result for both the recipient and for persons with disabilities who participate in the recipient's programs and activities. It is important to involve persons and/or organizations representing persons with disabilities, and agencies or other experts who work regularly with accessibility standards.

Important steps in conducting a self-evaluation and implementing its results include the following:

- Evaluate current policies and practices and analyze them to determine if they adversely affect the full participation of individuals with disabilities in its programs, activities and services. Be mindful of the fact that a policy or practice may appear neutral on its face,

but may have a discriminatory effect on individuals with disabilities.

- Modify any policies and practices that are not or may not be in compliance with the regulations at Section 504 or Title II and Title III of the ADA.
- Take appropriate corrective steps to remedy those policies and practices which either are discriminatory or have a discriminatory effect. Develop policies and procedures by which persons with disabilities may request a modification of a physical barrier or a rule or practice that has the effect of limiting or excluding a person with a disability from the benefits of the program.
- Document the self-evaluation process and activities. The Department recommends that all recipients keep the self-evaluation on file for at least three years, including records of the individuals and organizations consulted, areas examined and problems identified, and document modifications and remedial steps, as an aid to meeting the requirement at 24 CFR Part 8.55.

The Department also recommends that recipients periodically update the self-evaluation, particularly, for example, if there have been changes in the programs and services of the agency. In addition, public entities covered by Title II of the ADA should review any policies and practices that were not included in their Section 504 self-evaluation and should modify discriminatory policies and practices accordingly.

V. HUD Resources Available Concerning Section 504

Further information concerning compliance with Section 504 may be obtained through the HUD web page (<http://www.hud.gov/offices/fheo/disabilities/sect504.cfm>). Additional assistance and information may be obtained by contacting the local HUD Office of Community Planning and Development and the Office of Fair Housing and Equal Opportunity. Below is a list of the phone numbers for these offices.

TITLE 24--HOUSING AND URBAN DEVELOPMENT

**CHAPTER I--OFFICE OF ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY,
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**PART 135--ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME
PERSONS--Table of Contents**

**Subpart B--Economic Opportunities for Section 3 Residents and Section 3
Business Concerns**

Sec. 135.38 Section 3 clause.

All section 3 covered contracts shall include the following clause (referred to as the section 3 clause):

A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

Section 3 Compliance - Instructions

Section 3 Compliance is a Federal requirement and final payment cannot be made until pages 1 and 2 of attached "Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects", [HUD form 60002 (4/98)] have been completed and submitted to Community Investments, Housing & Community Services, 332 N Riverview, Wichita, KS 67203 (462-3723).

1. Section 3 applies to all housing rehabilitation, housing construction and other public construction contracts in excess of \$100,000.
2. Section 3 resident means:
 - a. a public housing resident; or
 - b. an individual who resides in the metropolitan area in which the section 3 assistance is expended (City of Wichita) who is:
 - i. low income (80% of median income).
 - ii. very low income (50% of median income).
 - iii. 30% of median income
3. Section 3 business concern means a business concern:
 - a. that 51 percent or more of the business is owned by section 3 residents; or
 - b. whose permanent, full time employees include persons, at least 30 percent of whom are currently section 3 residents, or within three years of the date of first employment with the business concern were section 3 residents; or
 - c. that provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications of a section 3 business concern (a. and b. above).

4. Contractor/Subcontractor may demonstrate compliance by:
 - a. Committing to employ section 3 residents as 30 percent of the aggregate number of new hires.
 - b. Committing to contract with section 3 business concerns as 10 percent of the total dollar amount of all Section 3 covered contracts for work arising in connection with housing rehabilitation, housing construction and other public construction.

Section 3 covered contracts do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

5. Record keeping/reporting:
Reports on HUD Form 60002 are to be submitted at the completion of the project or annually as of June 30th.

**Examples of records Contractors/Subcontractors should maintain
to show activity and results under Section 3.**

1. Copies of advertisements for training and employment opportunities;
2. Lists of Section 3 residents who inquired about or actually applied for training or employment opportunities;
3. Copies of any procurement procedures conducted by the recipient;
4. Any evidence that, to the greatest extent feasible, steps have been taken to include Section 3 business concerns in opportunities arising from Section 3 - related activities;
5. Copies of strategies designed to implement Section 3, including records of solicitation mailing lists and direct solicitations of bids or proposals;
6. Records of bid evaluations and selections;
7. Copies of notifications of awards to grantees and contractors;
8. Documentation of pre-construction conferences;
9. Copies of letters to community organizations related to Section 3 recruiting or business development;
10. Photographs of signs or notices posted for Section 3 recruiting or business development;
11. Record of income levels of persons hired;
12. Documentation and correspondence concerning Section 3-related complaints; and

13. Records of contact made with unions or contractor's associations.

**Fiscal Year 2014 Median Income Family Limits
Wichita, Kansas**

PROGRAM	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
30% of Median	\$13,850	\$15,800	\$17,800	\$19,750	\$21,350	\$22,950	\$24,500	\$26,200
50% of Median	\$23,100	\$26,400	\$29,700	\$32,950	\$35,600	\$38,250	\$40,900	\$52,200
80% of Median	\$36,900	\$42,200	\$47,450	\$52,700	\$56,950	\$61,150	\$65,350	\$69,600

2014-2015 CONSOLIDATED PLAN FINAL ALLOCATION, REVISED January 13, 2015																			
COMMUNITY DEVELOPMENT BLOCK GRANT Capital Projects/Demolition		2011-12 COUNCIL ALLOCATION	2012-13 COUNCIL ALLOCATION	2013-14 COUNCIL ALLOCATION	2014-15 RECOMMENDATION	2014-15 COUNCIL ALLOCATION													
Public Works & Utilities		\$0	\$75,000 *	\$75,000 *	\$0	\$0													
Street or Sidewalk Repair																			
Metropolitan Area Building & Construction Department		\$150,000	\$100,000	\$90,000	\$0	\$0													
Demolition and Clearance of Dangerous and Unsafe Buildings																			
Total - Capital Projects		\$150,000	\$175,000	\$165,000	\$0	\$0													
*This amount from prior year unallocated funds																			
COMMUNITY DEVELOPMENT BLOCK GRANT Housing Activities		2011-12 COUNCIL ALLOCATION	2012-13 COUNCIL ALLOCATION	2013-14 COUNCIL ALLOCATION	2014-15 RECOMMENDATION	2014-15 COUNCIL ALLOCATION													
Neighborhood Clean-ups		\$50,000	\$50,000	\$19,420	\$0	\$0													
Housing and Community Services																			
- Staff and Administration: Responsible for the application process, eligibility determination, inspections, preparation of specifications, document preparation, accounts payable functions, internal cost estimates, and lead-based paint clearance inspections for all CDBG-funded Home Repair Program activities, as well as site inspections for HOME-funded and ESG-funded housing activities. Administers existing revolving loan programs, including the Historic Revolving Loan Program, the Historic Deferred Loan Program, the Home Improvement Loan Program, and the Rental Rehabilitation Program. including the servicing functions related to over 5,000 loans in the existing loan portfolio.		\$425,908	\$369,091	\$369,091	\$389,000	\$389,000													
Amount from Prior Year Unallocated		\$79,000 *	\$0	\$0	\$0	\$0													
- Home Repair		\$664,467	\$546,222	\$758,984	\$753,000	\$753,000													
- Rental Housing Loan Program		\$0	\$0	\$0	\$0	\$0													
Total - Housing Projects		\$1,140,375	\$965,313	\$1,147,495	\$1,142,000	\$1,142,000													
* This total includes \$79,000 unallocated funds																			
COMMUNITY DEVELOPMENT BLOCK GRANT Neighborhood Stabilization		2011-12 COUNCIL ALLOCATION	2012-13 COUNCIL ALLOCATION	2013-14 COUNCIL ALLOCATION	2014-15 RECOMMENDATION	2014-15 COUNCIL ALLOCATION													
Funds Available for Reallocation		\$321,000	\$0	\$0	\$532,020 *	\$532,020 *													
- DI Dey Park Improvements					\$50,000	\$50,000													
- DI Sidewalk Replacements					\$35,000	\$35,000													
- DIHI Friendship Park Improvements					\$80,000	\$80,000													
- DIV Street Paving					\$367,020	\$367,020													
Total - Neighborhood Initiatives		\$321,000	\$0	\$0	\$532,020 *	\$532,020 *													
*This amount from prior year unallocated funds																			

2014-2015 CONSOLIDATED PLAN FINAL ALLOCATION, REVISED January 13, 2015									
COMMUNITY DEVELOPMENT BLOCK GRANT Public Services - CAP is \$1,163,310		2011-12 COUNCIL ALLOCATION	2012-13 COUNCIL ALLOCATION	2013-14 COUNCIL ALLOCATION	2014-15 RECOMMENDATION	2014-15 COUNCIL ALLOCATION			
City Manager's Office Total Allocation		\$333,132	**	\$331,757	\$428,626	\$385,000	\$385,000		
- Office of Community Engagement									
Amount from Annual Allocation		\$305,000		\$331,757	\$428,626	\$0	\$0		
Amount from Prior Year Unallocated		\$28,132		\$0	\$0	\$0	\$0		
Neighborhood Services Supervisor		\$28,132	*	\$0	\$0	\$0	\$0		
Atwater		\$71,837		\$0	\$110,591	\$0	\$0		
Colvin		\$82,488		\$0	\$122,898	\$0	\$0		
Evergreen		\$78,071		\$0	\$83,531	\$0	\$0		
Stanley		\$72,604		\$0	\$111,606	\$0	\$0		
Housing and Community Services		\$50,000		\$118,593	\$78,593	\$68,500	\$68,500		
- Housing First Project Coordinator		\$50,000		\$68,593	\$78,593	\$68,500	\$68,500		
- Job Training		\$0		\$50,000	\$0	\$0	\$0		
Women's Services		\$275,000		\$275,000	\$275,000	\$250,000	\$250,000		
- Catholic Charities, Inc. - Harbor House		\$125,125		\$110,000	\$105,036	\$96,745	\$96,745		
- StepStone, Inc. Counseling and Support Groups		\$0		\$26,000	\$26,000	\$23,433	\$23,433		
- YWCA of Wichita - Women's Crisis Center/Safehouse		\$149,875		\$139,000	\$143,964	\$129,822	\$129,822		
Youth Crime Prevention and Enrichment		\$174,220		\$125,000	\$125,000	\$125,000	\$125,000		
- YMCA - Middle School After School		\$104,253		\$104,000	\$101,907	\$103,090	\$103,090		
- BBBS Leaders, Achievers, and Winners (LAW) Camp		\$0		\$0	\$0	\$0	\$0		
- Boys & Girls Clubs		\$25,000		\$0	\$0	\$0	\$0		
- Hope Street		\$0		\$0	\$0	\$0	\$0		
- Rainbows United		\$38,472		\$21,000	\$23,093	\$21,910	\$21,910		
- Urban League		\$0		\$0	\$0	\$0	\$0		
- Wichita Dream Center		\$6,495		\$0	\$0	\$0	\$0		
Training and Employment		\$199,364	**	\$139,095	\$188,177	\$275,000	**	\$275,000	**
Amount from Annual Allocation		\$100,000		\$139,095	\$146,650	\$225,000	\$225,000		
Amount from Prior Year Unallocated		\$99,364		\$0	\$41,527	\$50,000	\$50,000	*	*
- TBD		\$0		\$0	\$0	\$25,000	\$25,000	*	*
- The Way to Work Youth Employment		\$0		\$0	\$146,650	\$225,000	\$225,000		
- YMCA - Job Prep		\$199,364		\$0	\$41,527	\$25,000	\$25,000	*	*
Total - Public Services		\$1,031,716	**	\$989,445	\$1,095,396	\$1,103,500	**	\$1,103,500	
* Total amount from prior year unallocated funds									
** This total includes unallocated funds									
COMMUNITY DEVELOPMENT BLOCK GRANT Program Administration - CAP is 20% of annual allocation		2011-12 COUNCIL ALLOCATION	2012-13 COUNCIL ALLOCATION	2013-14 COUNCIL ALLOCATION	2014-15 RECOMMENDATION	2014-15 COUNCIL ALLOCATION			
Housing and Community Services		\$439,020	\$414,993	\$464,511	\$458,609	\$458,609			
- CDBG Indirect Costs		\$118,660	\$54,993	\$59,511	\$84,124	\$84,124			
- CDBG Program Management Total Allocation		\$315,360	\$355,000	\$400,000	\$369,485	\$369,485			
- Fair Housing Initiatives		\$5,000	\$5,000	\$5,000	\$5,000	\$5,000			
Planning Department		\$25,000	\$25,000	\$25,000	\$25,000	\$25,000			
- Mandated Consolidated Plan Activities									
Total - Planning and Admin.		\$464,020	\$439,993	\$489,511	\$483,609	\$483,609			
UNALLOCATED TOTAL		\$527,496	\$0	\$116,527	\$562,020	\$562,020			
ANNUAL ALLOCATION - CDBG		\$2,579,615	\$2,569,751	\$2,780,875	\$2,699,109	\$2,699,109			
GRAND TOTAL - CDBG		\$3,107,111	\$2,569,751	\$2,897,402	\$3,261,129	\$3,261,129			

2014-2015 CONSOLIDATED PLAN FINAL ALLOCATION, REVISED January 13, 2015																			
HOME INVESTMENT PARTNERSHIPS PROGRAM HOME Activities										2011-12 COUNCIL ALLOCATION	2012-13 COUNCIL ALLOCATION	2013-14 COUNCIL ALLOCATION	2014-15 PRELIMINARY RECOMMENDATION	2014-15 COUNCIL ALLOCATION					
HOME Investment Partnerships Administration										\$148,563	\$107,518	\$104,740	\$108,523	\$108,523					
HOME Indirect Costs										\$11,959	\$15,010	\$18,050	\$15,362	\$15,362					
HOME Operating Funds for CHDO's										\$50,000	\$50,000	\$50,000	\$50,000	\$50,000					
Operating Funds-Power CDC																			
Operating Funds-MHRS																			
HOMEownership 80 Program										\$647,001	\$429,286	\$383,014	\$319,972	\$319,972					
Boarded-up House Program										\$200,000	\$100,000	\$100,000	\$125,000	\$125,000					
Housing Development Loan Program										\$247,706	\$235,000	\$147,637	\$250,000	\$250,000					
Deferred Loan Program										\$0	\$0	\$157,506	\$70,000	\$70,000					
Total HOME Projects										\$1,305,229	\$936,814	\$960,947	\$938,857	\$938,857					
HOME INVESTMENT PARTNERSHIPS PROGRAM CHDO Set Aside Projects										2011-12 COUNCIL ALLOCATION	2012-13 COUNCIL ALLOCATION	2013-14 COUNCIL ALLOCATION	2014-15 PRELIMINARY RECOMMENDATION	2014-15 COUNCIL ALLOCATION					
CHDO Set Aside - Total Allocation										\$339,049	\$288,461	\$266,959	\$300,000	\$300,000					
Amount from Annual Allocation										\$300,000	\$288,461	\$266,959	\$300,000	\$300,000					
Amount from Prior Year Unallocated										\$39,049	\$0	\$0	\$0	\$0					
Mennonite Housing Rehab Services (MHRS)										\$176,144	\$149,270	\$175,000	\$186,900	\$186,900					
- Single Family Home Development																			
Power CDC										\$162,905	\$130,730	\$91,959	\$0	\$0					
- Single Family Home Development																			
Universal Design										\$0	\$8,461	\$0	\$0	\$0					
Unallocated CHDO Set Aside Funding										\$0	\$0	\$0	\$113,100	\$113,100					
Total CHDO Set Aside Projects										\$339,049	\$288,461	\$266,959	\$300,000	\$300,000					
Subtotal - HOME & CHDO Set Aside Projects																			
<i>*This amount includes \$39,049.22 re-allocated from prior year unspent CHDO funds</i>																			
UNALLOCATED TOTAL										\$39,049	\$0	\$0	\$0	\$0					
ANNUAL ALLOCATION - HOME										\$1,605,229	\$1,225,275	\$1,227,906	\$123,857	\$1,238,857					
GRAND TOTAL - HOME										\$1,644,278	\$1,225,275	\$1,227,906	\$1,238,857	\$1,238,857					

2014-2015 CONSOLIDATED PLAN FINAL ALLOCATION, REVISED January 13, 2015																	
EMERGENCY SHELTER GRANT		2011-2012 COUNCIL ALLOCATION	2012-2013 COUNCIL ALLOCATION	2013-14 COUNCIL ALLOCATION	2014-15 PRELIMINARY RECOMMENDATION	2014-15 COUNCIL ALLOCATION											
Emergency Shelter Grant - Final Allocation		\$124,982	\$0	\$0	\$0	\$0											
Essential Services - Maximum Allocation (30%)		\$32,286	\$0	\$0	\$0	\$0											
- Catholic Charities - Anthony Family Shelter		\$6,277	\$0	\$0	\$0	\$0											
- Inter-Faith Ministries - Inter-Faith Inn		\$869	\$0	\$0	\$0	\$0											
- Inter-Faith Ministries - Safe Haven		\$0	\$0	\$0	\$0	\$0											
- Salvation Army - Emergency Lodge		\$0	\$0	\$0	\$0	\$0											
- United Methodist Open Door		\$25,140	\$0	\$0	\$0	\$0											
Maintenance and Operations		\$66,591	\$0	\$0	\$0	\$0											
- Catholic Charities - Anthony Family Shelter		\$18,457	\$0	\$0	\$0	\$0											
- Catholic Charities - Harbor House		\$8,870	\$0	\$0	\$0	\$0											
- Inter-Faith Ministries - Inter-Faith Inn		\$19,451	\$0	\$0	\$0	\$0											
- Inter-Faith Ministries - Safe Haven		\$0	\$0	\$0	\$0	\$0											
- Salvation Army - Emergency Lodge		\$16,246	\$0	\$0	\$0	\$0											
- YWCA - Women's Crisis Center		\$3,567	\$0	\$0	\$0	\$0											
Homeless Prevention - Maximum Allocation (30%)		\$20,000	\$0	\$0	\$0	\$0											
- Center of Hope - Rent Assistance		\$20,000	\$0	\$0	\$0	\$0											
Administration - Maximum Allocation (5%)		\$6,105	\$0	\$0	\$0	\$0											
- Housing & Community Services Department - ESG Administration		\$4,730	\$0	\$0	\$0	\$0											
- City Indirect Cost		\$1,375	\$0	\$0	\$0	\$0											
TOTAL EMERGENCY SHELTER GRANT		\$124,982 *	\$0	\$0	\$0	\$0											
*Includes \$29 unspent prior year funds																	
EMERGENCY SOLUTIONS GRANT		2011-2012 COUNCIL ALLOCATION	2012-2013 COUNCIL ALLOCATION	2013-14 COUNCIL ALLOCATION	2014-15 PRELIMINARY RECOMMENDATION	2014-15 COUNCIL ALLOCATION											
Emergency Solutions Grant - Final Allocation		\$70,331	\$223,388	\$187,471	\$225,915	\$225,915											
Homeless Assistance Maximum Allocation (60%)		\$20,126	\$133,159	\$112,483	\$135,549	\$135,549											
Emergency Shelter				\$112,100	\$135,166	\$135,166											
Catholic Charities - Harbor House		\$15,125	\$15,000	\$12,600	\$17,891	\$17,891											
Catholic Charities - St. Anthony Family Shelter		\$0	\$25,000	\$21,000	\$21,000	\$21,000											
Inter-Faith Ministries - Inter-Faith Inn		\$0	\$21,500	\$18,100	\$18,100	\$18,100											
Inter-Faith Ministries -Warming Souls Winter Shelter					\$6,724	\$6,724											
The Salvation Army - Homeless Services		\$0	\$25,000	\$21,000	\$21,000	\$21,000											
United Methodist Open Door - Homeless Resource Center		\$0	\$35,000	\$29,400	\$29,400	\$29,400											
YWCA Women's Crisis Center		\$5,001	\$11,659	\$10,000	\$21,051	\$21,051											
Homeless Prevention & Rapid Re-Housing		\$41,029	\$45,278	\$85,625	\$72,494	\$72,494											
Homelessness Prevention		\$24,629	\$3,838	\$15,232	\$18,124	\$18,124											
Center of Hope - Rent Assistance		\$24,629	\$3,838	\$15,232	\$18,124	\$18,124											
Rapid Re-Housing		\$16,400	\$41,440	\$70,393	\$54,370	\$54,370											
City of Wichita - Housing and Community Services		\$16,400	\$41,440	\$70,393	\$54,370	\$54,370											
Homeless Management Information System (HMIS)		\$635	\$3,500	\$383	\$1,311	\$1,311											
United Way of the Plains		\$635	\$3,500	\$383	\$1,311	\$1,311											
Administration - Maximum Allocation (7.5% of total Award)		\$8,541	\$16,754	\$14,060	\$16,944	\$16,944											
- Housing & Community Services Department - ESG Administration		\$5,026	\$11,169	\$9,373	\$11,296	\$11,296											
- City Indirect Cost		\$3,515	\$5,585	\$4,687	\$5,648	\$5,648											
TOTAL EMERGENCY SOLUTIONS GRANT		\$70,331	\$198,691	\$212,168	\$225,915	\$225,915											
*Includes \$24,697 from prior year unexpended (Prevention) funds																	
ANNUAL ALLOCATION - ESG		\$195,313	\$198,691	\$187,471	\$225,915	\$225,915											
PRIOR YEAR UNEXPENDED FUNDS - ESG		\$0	\$0	\$24,697	\$0	\$0											
GRAND TOTAL		\$195,313	\$198,691	\$212,168	\$225,915	\$225,915											

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

SUBJECT: 2015 KLINK and Arterial Street Rehabilitation Program (Districts IV and VI)

INITIATED BY: Department of Public Works & Utilities

AGENDA: Consent

Recommendation: Approve the 2015 project and revised 2014 project, approve the new and revised budgets, adopt the resolution and place the amending ordinance on first reading.

Background: The 2011-2020 Adopted Capital Improvement Program (CIP) includes ongoing funding to rehabilitate major streets. This program is separate from the Contract Maintenance program, which is funded by the Public Works & Utilities operating budget. It is supplemented by funding from the Kansas Department of Transportation's (KDOT) KLINK program, which is specifically intended for rehabilitation of connecting link state highways. Receipt of KLINK funding is contingent upon recipient cities providing matching funding.

Analysis: On March 18, 2014, the City Council approved the 2014 KLINK and Arterial Street Rehabilitation Program for the areas of westbound US-54 (Kellogg) from 111th to 119th Streets West, northbound K-42 from the Floodway Bridge to northeast of the I-235 on-ramp, and Hillside from 21st to 27th Streets North. The arterial street portion (Hillside) was successfully bid in fall 2014 and is currently under construction. However, all bids for the KLINK portion of the project exceeded the estimate and available budget due to increased asphalt prices.

Staff obtained permission from KDOT to remove the K-42 portion from the 2014 KLINK project so the funds could be redirected to the Kellogg portion and combined with the 2015 KLINK project. The City Council approved the application for 2015 KLINK funding on June 18, 2013, and KDOT awarded the funds on September 27, 2014. The 2015 KLINK project includes resurfacing of east and westbound Kellogg, between points east of 111th Street West and east of 119th Street West. The K-42 portion eliminated from the 2014 project will be re-applied for during a future funding year.

The location selected for the arterial street rehabilitation portion of the 2015 program is 29th Street North from Ohio to Broadway. This section of roadway was selected because it is one of the most severely deteriorated arterial streets in town, making it both difficult and costly to maintain.

Financial Considerations: The 2014 program budget of \$700,000 was approved by the City Council on March 18, 2014. The 2011-2020 Adopted CIP includes \$700,000 for the 2015 program. Funding for both years will be allocated as detailed in the table below.

Previously approved 2014 program budget

GO at-large funding	\$ 500,000	
Less: GO funding used for Hillside project	<u>(300,000)</u>	
Remaining 2014 GO at-large funding	200,000	
KLINK funding	<u>200,000</u>	
Subtotal – Total remaining for Kellogg project (to be transferred to 2015 program budget)		\$ 400,000

Requested funding for 2015 program budget

GO at-large funding	\$ 500,000	
KLINK funding	<u>200,000</u>	
Subtotal – 2015 Available Funding		\$ <u>700,000</u>
Total 2015 program budget		\$ <u><u>1,100,000</u></u>

Legal Considerations: The Law Department has reviewed and approved the resolution and amending ordinance as to form.

Recommendation/Action: It is recommended that the City Council approve the revised 2014 project location and budget; approve deferment of the K-42 portion of the project; approve the transfer of the Kellogg portion of the work and budget from 2014 to the 2015 program and budget; approve the 2015 project and budget; adopt the resolution, place the amending ordinance on first reading and authorize the necessary signatures.

Attachments: Map, budget sheets, resolutions, and amending ordinance.

Project Request

☒ CIP ☐ Non-CIP

CIP YEAR: 2014

CIP #:

☐ NEIGHBORHOOD IMPROVEMENT

DEPARTMENT: 13 Public Works & Utilities

DIVISION: Engineering

RESOLUTION/ORDINANCE #: 15-

FUND: 400 Street Improvements

SUBFUND: 405 Arterial Paving

ENGINEERING REFERENCE #: 472-85082

COUNCIL DISTRICT: 01 Council District 1

DATE COUNCIL APPROVED: Jan 13, 2015

REQUEST DATE:

PROJECT #: 211534

PROJECT TITLE: 2014 KLINK & Arterial Street Rehab

PROJECT DETAIL #: 01

PROJECT DETAIL DESCRIPTION: 2014 KLINK & Arterial Street Rehab

OCA #: 707070

OCA TITLE: 2014 KLINK & Arterial Street Rehab

PERSON COMPLETING FORM: Joni Chamberlain

PHONE #: 268-4548

PROJECT MANAGER: Kyle Kerns

PHONE #: 268-4044

☐ NEW BUDGET

☒ REVISED BUDGET

Revenue Object Level 3	Original Budget	Adjustment	New Budget
8062 Federal pass thru State	\$200,000.00	(\$200,000.00)	\$0.00
9720 G.O. Bonds	\$500,000.00	(\$200,000.00)	\$300,000.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$700,000.00	(\$400,000.00)	\$300,000.00

Expense Object Level 3

2999 Contractuals	\$700,000.00	(\$400,000.00)	\$300,000.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
Total Expense:	\$700,000.00	(\$400,000.00)	\$300,000.00

NOTES:

Funding remains only for Hillside, Kellogg funding transferred to 2015

SIGNATURES REQUIRED

DIVISION HEAD: 

Print Form

DATE: 12/24/14

DEPARTMENT HEAD: 

DATE: 12/23/14

BUDGET OFFICER: 

DATE: 23 Dec 2014

CITY MANAGER: _____

DATE: _____

Project Request

☒ CIP ☐ Non-CIP

CIP YEAR:

2015

CIP #:

☐ NEIGHBORHOOD IMPROVEMENT

DEPARTMENT: 13 Public Works & Utilities

DIVISION: Engineering

RESOLUTION/ORDINANCE #: 15-

FUND: 400 Street Improvements

SUBFUND: 405 Arterial Paving

ENGINEERING REFERENCE #: 472-85173

COUNCIL DISTRICT: 01 Council District 1

DATE COUNCIL APPROVED: Jan 13, 2015

REQUEST DATE:

PROJECT #: 211537

PROJECT TITLE: 2015 KLINK & Arterial Street Rehab

PROJECT DETAIL #: 01

PROJECT DETAIL DESCRIPTION: 2015 KLINK & Arterial Street Rehab

OCA #: 707073

OCA TITLE: 2015 KLINK & Arterial Street Rehab

PERSON COMPLETING FORM: Joni Chamberlain

PHONE #: 268-4548

PROJECT MANAGER: Kyle Kerns

PHONE #: 268-4044

☒ NEW BUDGET ☐ REVISED BUDGET

REVENUE

EXPENSE

Object Level 3	Budget	Object Level 3	Budget
8062 Federal pass thru State	\$400,000.00	2999 Contractuals	\$1,100,000.00
9720 G.O. Bonds	\$700,000.00		\$0.00
	\$0.00		\$0.00
	\$0.00		\$0.00
	\$0.00		\$0.00
	\$0.00		\$0.00
	\$0.00		\$0.00

REVENUE TOTAL: \$1,100,000.00

EXPENSE TOTAL: \$1,100,000.00

NOTES:

SIGNATURES REQUIRED

DIVISION HEAD:

DEPARTMENT HEAD:

BUDGET OFFICER:

CITY MANAGER:

Print Form

DATE:

DATE:

DATE:

DATE:

ORDINANCE NO. 49-933

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 49-676 OF THE CITY OF WICHITA, KANSAS, AND REPEALING THE PRIOR VERSION OF SUCH SECTION.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, K.S.A. 12-685 *et seq.* (the “Act”) provides that the governing body of any city is authorized and empowered to designate and establish, by ordinance, as a main trafficway, any existing or proposed street, boulevard, avenue or part thereof, within such city, the primary function of which is, or shall be, the movement of through traffic between areas of concentrated activity within the city or between such areas within the city and traffic facilities outside the city performing the function of a major trafficway; and such designation by the governing body shall be final and conclusive; and

WHEREAS, by Ordinance No. 49-676 of the City of Wichita, Kansas, the City Council of the City (the “Governing Body”) established certain road segments as main trafficways in need of improvements in the form of design and construction of roadways as necessary for a major traffic facility, all as provided by and under the authority of the Act; and,

WHEREAS, Section 3 of Ordinance No. 49-676 estimated the cost of such improvements to be in the amount of \$700,000, and authorized bond financing based on such amount, but the Governing Body now finds it necessary and desirable to reduce the amount authorized for bond financing.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Section 3 of Ordinance No. 49-676 of the City of Wichita, Kansas, is hereby amended to read as follows:

SECTION 3. The costs of the construction of the above described improvements is estimated to be **Three Hundred Thousand Dollars (\$300,000)** exclusive of the cost of interest on financing and administrative and financing costs, with the total paid by the City of Wichita. Said City cost, when ascertained, shall be borne by the City of Wichita at large by the issuance of General Obligation Bonds under the authority of K.S.A. 12-689. The Bonds may be issued to reimburse expenditures authorized by this ordinance and made on or after the date which was 60 days before the date of adoption of this ordinance, all pursuant to Treasury Regulation § 1.150-2.

Section 2. The prior version of Section 3 of Ordinance 49-676 is hereby repealed and replaced with the foregoing amended version set forth in Section 1 hereof, and Ordinance No. 49-676 shall remain in all other respects unaltered and in effect as originally adopted.

Section 3. Effective Date. This Ordinance shall take effect and be of force from and after its passage by the Governing Body and publication in the official City newspaper.

PASSED by the City Council of the City of Wichita, Kansas, on January 27, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe, Interim Director of
Law and City Attorney

RESOLUTION NO. 15-024

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the Governing Body is authorized, , pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City (the “Act”) to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefore, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefore; and

WHEREAS, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements described as follows:

Design, acquisition of right-of-way, utility relocation, administration, and construction of improvements to US-54 eastbound and westbound, from 111th to 119th Streets West, and 29th Street North, from Ohio to Broadway (472-85173).

(collectively, the “Project”) and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Project Authorization. It is hereby authorized, ordered and directed that the Project be acquired and/or constructed at an estimated cost of \$1,100,000 in accordance with plans and specifications therefor prepared under the direction of the City Engineer and approved by the Governing Body; said plans and specifications to be placed on file in the office of the City Engineer.

Section 2. Project Financing. All or a portion of the costs of the Project, interest on financing and administrative and financing costs shall be financed with the proceeds of general obligation bonds of the City (the “Bonds”). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

Section 3. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

ADOPTED by the City Council of the City of Wichita, Kansas, on January 13, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgraft
Interim Director of Law and City Attorney

Second Reading Ordinances for January 13, 2015 (first read on January 6, 2015)

- A. Z-3341 – Zone Change Request From SF-6 Single-family Residential and LC Limited Commercial to GC General Commercial on Property Located South of 47th Street South Between the Kansas Turnpike (I-35) East of the Riverside Drainage Ditch, 900 Feet East of Broadway. (District III)**

ORDINANCE NO. 49-921

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

- B. ZON2014-00027 – Zone Change from B Multi-Family Residential to LC Limited Commercial on Property Located on the Southeast Corner of North Grove Avenue and East Audrey Street, One Block North of East 21st Street North. (District I)**

ORDINANCE NO. 49-922

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

- C. ZON2014-00029 – Zone Change From Single-family Residential to MF-18 Multi-Family Residential on Property Located 100 Feet South of West Funston Street, East of South Silver Street; Two and One-Quarter Blocks South of West Harry Street, East of the Arkansas River. (District III)**

ORDINANCE NO. 49-923

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED

- D. **ZON2014-00030 – Zone Change From Limited Commercial to Central Business District on Property Located on the North Side of West Douglas Avenue, Approximately 75 Feet East of North Walnut Street, 914 and 924 West Douglas Avenue. (District VI)**

ORDINANCE NO. 49-924

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

- E. **SUB2013-00038 -- Plat of Skyway West 4th Addition Located on the Northeast Corner of 31st Street South and 119th Street West. (District IV)**

ORDINANCE NO. 49-925

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

- F. **Removal of Main Benefit Fee Assessment for Southwest Passage and Red Rock Village Additions.**

ORDINANCE NO. 49-926

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 49-134 OF THE CITY OF WICHITA, KANSAS, LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF WICHITA, KANSAS, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTION OF MAIN 6, COWSKIN INTERCEPTOR FORCE MAIN SEWER, SOUTH OF PAWNEE, WEST OF 119TH STREET WEST.

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

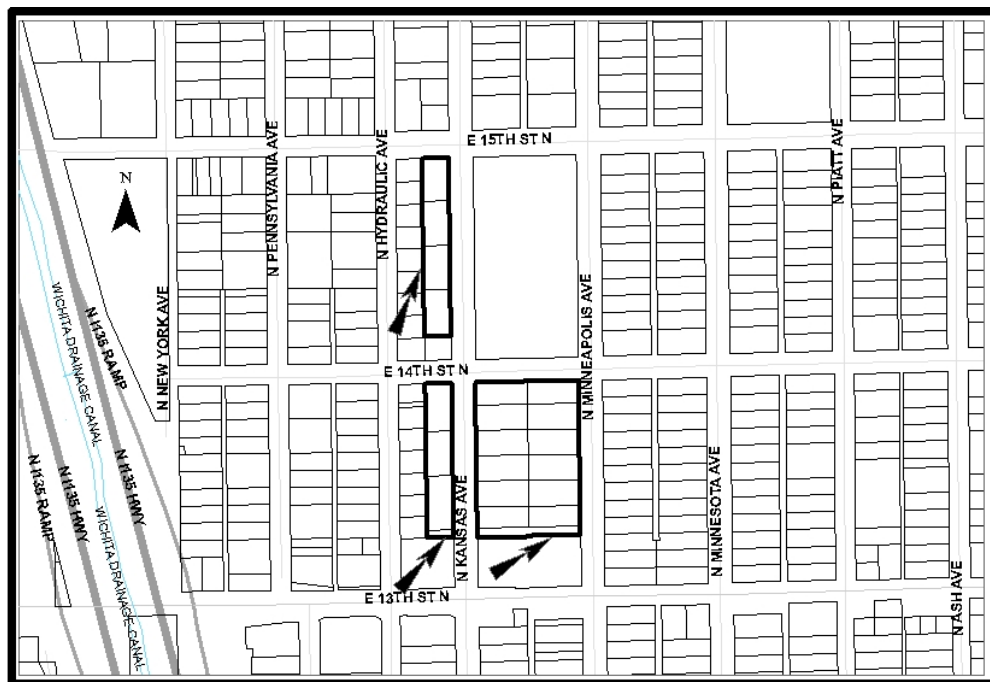
SUBJECT: SUB2013-00042 -- Plat of French Quarter 2nd Addition Located East of Hydraulic, North of 13th Street North (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)



Background: The site consists of three lots on 4.81 acres and is zoned Multi-Family Residential (B).

Analysis: Water and sewer services are available to serve the site.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Financial Considerations: There are no financial considerations associated with the plat.

Legal Considerations: There are no legal considerations associated with the plat.

Recommendations/Actions: It is recommended that the City Council approve the plat and authorize the necessary signatures.

Attachments: There are no attachments associated with the plat.

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

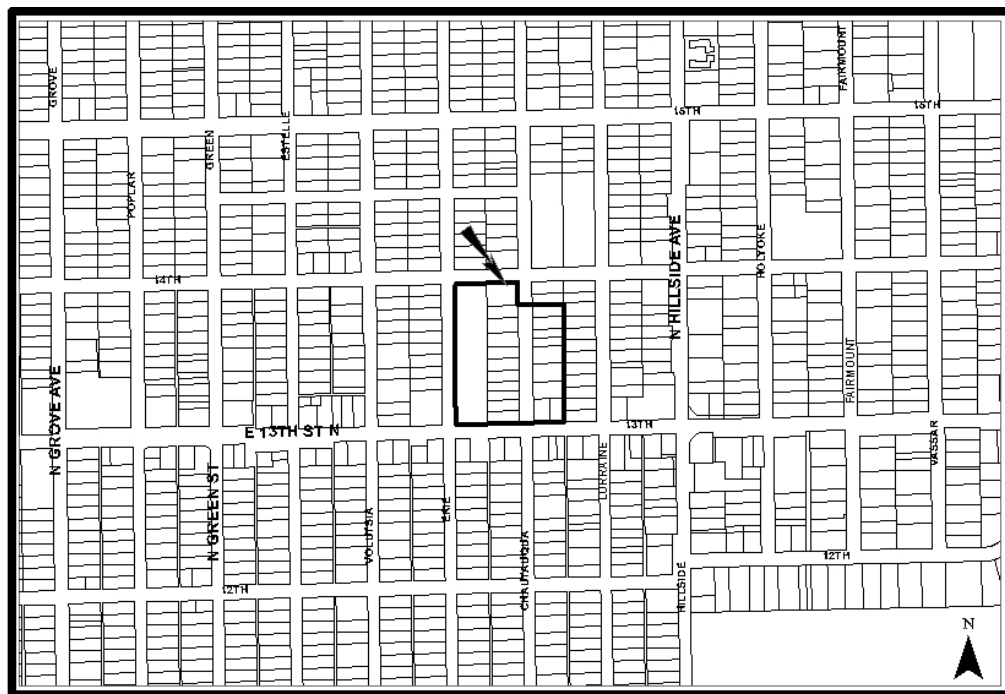
SUBJECT: SUB2014-00032 -- Plat of Holy Savior Addition Located on the North Side of 13th Street North, West of Hillside (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)



Background: The site consists of two lots on 5.53 acres. A conditional use (CON2005-00037) has been approved for Community Assembly.

Analysis: Water and sewer services are available to serve the site. The applicant has submitted a 100 percent Petition and a Certificate of Petition for paving improvements. The applicant has submitted a Temporary Water Line Easement and Water Main Removal Certificate for the abandonment of a water line.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Financial Considerations: There are no financial considerations associated with the plat.

Legal Considerations: The Law Department has reviewed and approved the Certificate of Petition, Temporary Water Line Easement, Water Main Removal Certificate and Resolution as to form and the documents will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures and adopt the Resolution.

Attachments: Certificate of Petition
Temporary Water Line Easement
Water Main Removal Certificate
Resolution

CERTIFICATE OF PETITION

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

We, Catholic Diocese of Wichita, a Kansas not for profit corporation, owners of HOLY SAVIOR ADDITION, Wichita, Sedgwick County, Kansas, do hereby certify that petition(s) for the following improvements have been submitted to the City Council of the City of Wichita, Kansas:

1. Paving Improvements

As a result of the above-mentioned petition(s) for improvements, all lots or portions thereof within Holy Savior Addition, may be subject to special assessments assessed thereto for the cost of constructing the above-described improvements.

Signed this 18th day of December, 2014.

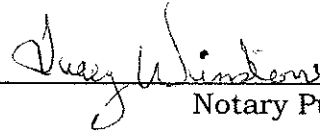
Catholic Diocese of Wichita

By: Carl A. Kemme
Carl A. Kemme, President

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

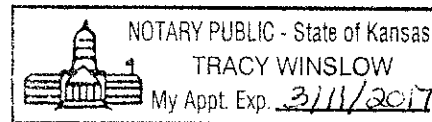
BE IT REMEMBERED, that on this 18th day of December, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Carl A. Kemme, as President of Catholic Diocese of Wichita, a Kansas not for profit corporation, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same on behalf, and as the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Notary Public

(My Appointment Expires: 3/11/2017)



Approved as to form:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

TEMPORARY WATER LINE EASEMENT

THIS EASEMENT made this 11th day of December, 2014, by and between Catholic Diocese of Wichita, a Kansas not for profit corporation, party of the first part, and the City of Wichita, party of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the said second party, for the benefit of the public, a temporary right-of-way and easement for the purpose of constructing, maintaining, and repairing a water line over, along, and under the following-described real estate situated in Sedgwick County, Kansas, to-wit:

A 10.00 foot wide tract of land lying in Lot 1, Block A, Holy Savior Addition, Wichita, Sedgwick County, Kansas described as follows: Commencing at the southwest corner of said Lot 1; thence N90°00'00"E along the south line of said Lot 1, 271.59 feet for a point of beginning; thence N00°31'09"E, 313.83 feet to a point on the southerly right-of-way line of Chautauqua Cir. as dedicated in said Holy Savior Addition; thence easterly along said southerly right-of-way line, being a non-tangent curve to the left, through a central angle of 11°30'25" and having a radius of 50.00 feet, an arc distance of 10.04 feet, (having a chord length of 10.02 feet bearing S85°26'59"E); thence S00°31'09"W, 313.04 feet to a point on the south line of said Lot 1; thence S90°00'00"W along the south line of said Lot 1, 10.00 feet to the point of beginning.

Said easement shall expire upon the removal and/or the relocation of the existing water line presently located within said easement.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first above written.

Catholic Diocese of Wichita

By: Carl A. Kemme
Carl A. Kemme, President

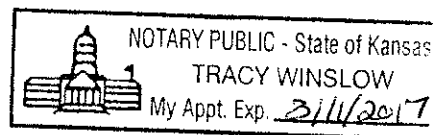
STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 16th day of December, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Carl A. Kemme, as President of Catholic Diocese of Wichita, a Kansas not for profit corporation, personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same on behalf, and as the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

Tracy Winslow
Notary Public

(My Appointment Expires: 3/11/2017)



Approved as to form:

Sharon L. Dickgraft, Interim City Attorney
& Director of Law

WATER MAIN REMOVAL CERTIFICATE

Sedgwick County)
)
State of Kansas) SS

Catholic Diocese of Wichita, a Kansas not for profit corporation, owner(s) of that certain real property to be known as **Holy Savior Addition, Wichita, Sedgwick County, Kansas**, is in the process of platting said property, and does hereby acknowledge that in accordance with the requirements of the platting process as set forth by the City of Wichita, any existing water mains per said platting requirements shall be removed.

This is to place on notice the owner(s) of the above-described property and subsequent owners thereof that, as a result of the above-cited platting requirements, said owner and subsequent owners thereof are responsible for seeing that such water mains and apparatuses are removed and services are killed at the main per City of Wichita specifications for such work, and that sufficient guaranty of such closure(s), in a form acceptable to the City of Wichita (e.g. – bond, cash, letter of credit, etc.) and/or acknowledgement that the City of Wichita may withhold the issuance of an occupancy permit for any future building construction, will be a pre-condition of the issuance of any future building permit for all development on the above-described property.

Signed this 18th day of December, 2014.

Catholic Diocese of Wichita

By: Carl A. Kemme
Carl A. Kemme, President

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

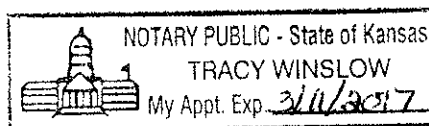
BE IT REMEMBERED, that on this 18th day of December, 2014, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Carl A. Kemme, as President of Catholic Diocese of Wichita, a Kansas not for profit corporation, personally known to me to be the same person who executed the within instrument of writing and such persons duly acknowledged the execution of the same on behalf, and as the act and deed on behalf of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



Notary Public

(My Appointment Expires: 3/11/2017)



Approved as to form:

Sharon L. Dickgrafe, Interim City Attorney
& Director of Law

First Published in the Wichita Eagle on January 16, 2015

RESOLUTION NO. 15-021

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING IMPROVEMENTS ON **CHAUTAUQUA CIRCLE** FROM THE SOUTH LINE OF 14TH STREET NORTH SOUTH TO AND INCLUDING THE CUL-DE-SAC, AND CLOSURE OF 13TH STREET NORTH STREET RETURN ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK A (NORTH OF 13TH STREET NORTH, WEST OF HILLSIDE) 472-85196 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING IMPROVEMENTS ON **CHAUTAUQUA CIRCLE** FROM THE SOUTH LINE OF 14TH STREET NORTH SOUTH TO AND INCLUDING THE CUL-DE-SAC, AND CLOSURE OF 13TH STREET NORTH STREET RETURN ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK A (NORTH OF 13TH STREET NORTH, WEST OF HILLSIDE) 472-85196 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct improvements on **Chautauqua Circle** from the south line of 14th Street North south to and including the cul-de-sac, and closure of 13th Street North street return along the south line of said Lot 1, Block A (north of 13th Street North, west of Hillside) 472-85196.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **One Hundred Forty-Seven Thousand Dollars (\$147,000)** exclusive of interest on financing and administrative and financing costs, with 100 Percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **January 1, 2015**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

HOLY SAVIOR ADDITION

Lot 1, Block A

Lots 1, Block B

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 1, Block A, HOLY SAVIOR ADDITION shall pay 9/10 of the total cost of the improvements and Lot 1, Block B, HOLY SAVIOR ADDITION shall pay 1/10 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas this 13th day of
January, 2015.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

SHARON DICKGRAFE, INTERIM
DIRECTOR OF LAW & CITY ATTORNEY

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

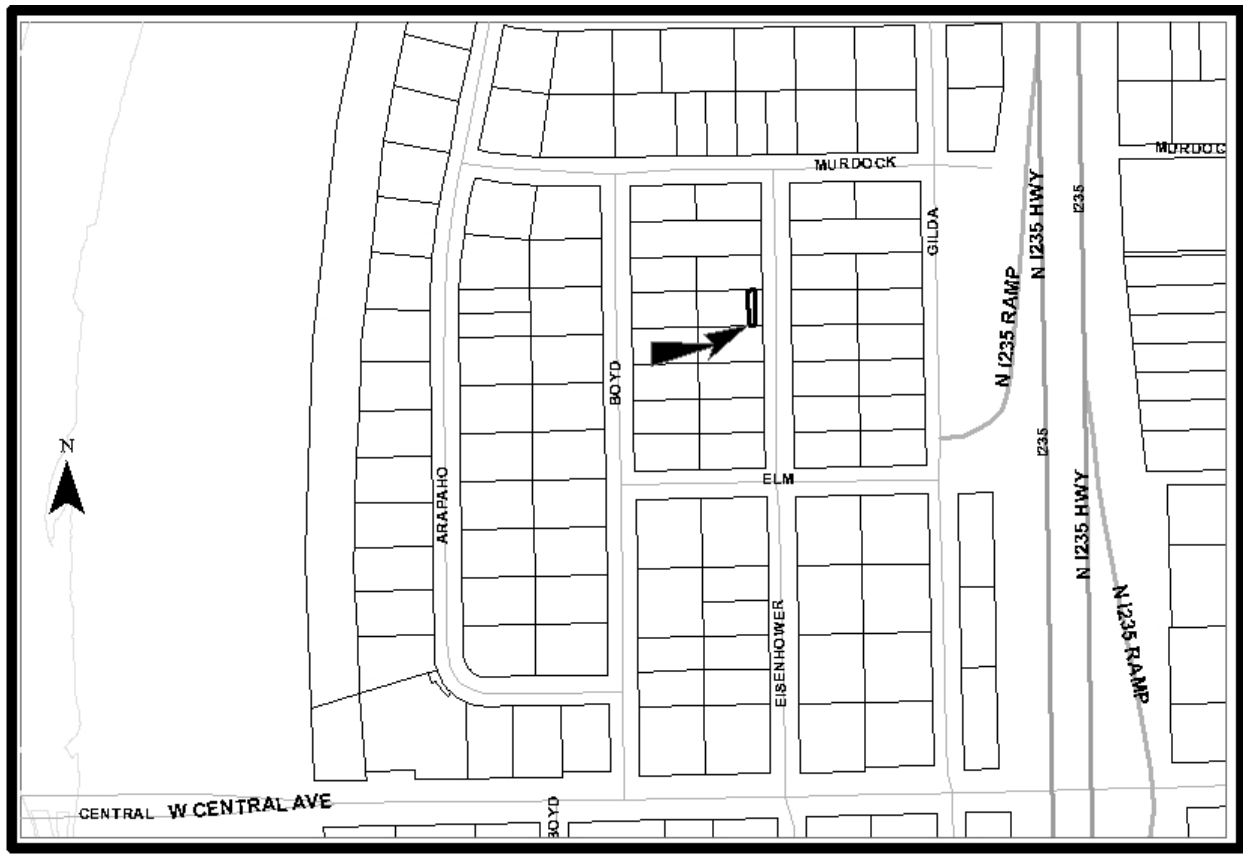
SUBJECT: VAC2014-00031 - Request to Vacate a Portion of a Platted Front Yard Setback, on Property Generally Located Midway Between the Big Ditch Floodway and Interstate Highway I-235, North of Central Avenue on the West Side of Eisenhower Avenue (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (10-0).



Background: The applicant is requesting consideration for the vacation of the west 10 feet of the platted 30-foot front yard setback located parallel to the east property line of the east half of Lot 4, Block A, West Central Gardens Addition and the Eisenhower Avenue right-of-way. Per the applicant's site plan there is a garage that encroaches 14 ½ feet into the 30-foot platted front setback. The subject lot is zoned SF-5 Single-Family Residential. The Unified Zoning Code's (UZO) minimum front yard setback for the SF-5 zoning district is 25 feet, which is five feet less than the subject setback. If the setback was not platted, but was the UZO's minimum 25-foot front yard setback, the applicant could have applied for an Administrative Adjustment to reduce the front yard setback by per-cent, resulting in a 20-foot front yard setback. Even with the setback reduced to 20 feet, the garage still encroaches 4 ½ feet. To reduce the subject setback by more than 20 per-cent requires a variance, which is a separate public hearing process. The applicant was approved for the variance, BZA2014-00068, at the December 4, 2014, Board of Zoning Appeals meeting. There are no platted easements located within the setback. Water is located in the right-of-way and sewer is located in the back yard of the subject site. Stormwater and franchise utilities are not impacted. The West Central Gardens Addition was recorded with the Register of Deeds September 23, 1952.

Analysis: The Metropolitan Area Planning Commission (MAPC) voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved, as to form, the Vacation Order. The original Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order and authorize the necessary signatures.

Attachments:

- Vacation Order

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A PORTION)
OF A PLATTED FRONT YARD SETBACK)**

**GENERALLY LOCATED MIDWAY BETWEEN I-235)
HIGHWAY & THE BIG DITCH FLOODWAY, NORTH OF)
CENTRAL AVENUE ON THE WEST SIDE OF)
EISENHOWER AVENUE)**

VAC2014-00031

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 13th day of January, 2015, comes on for hearing the petition for vacation filed by Elma Johnson (owner), praying for the vacation of the following described portion of a platted front yard setback, to-wit:

The west 10 feet of the platted 30-foot front yard setback that runs parallel to the east lot line of Lot 4, Block A, West Central Gardens Addition and Eisenhower Avenue, Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on September 4, 2014, which was at least 20 days prior to the public hearing.

January 13, 2015
VAC2014-00031

Page 1 of 2

2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted front yard setback and the public will suffer no loss or inconvenience thereby.

3. BZA2014-00068, as approved at the December 4, 2014, Board of Zoning Appeals meeting, further reduced the setback on the subject property to 15 feet, 6 inches.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

5. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

6. The vacation of the described portion of the platted front yard setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of January, 2015, ordered that the above-described portion of the platted front yard setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Sharon Dickgrafe, Interim City Attorney

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

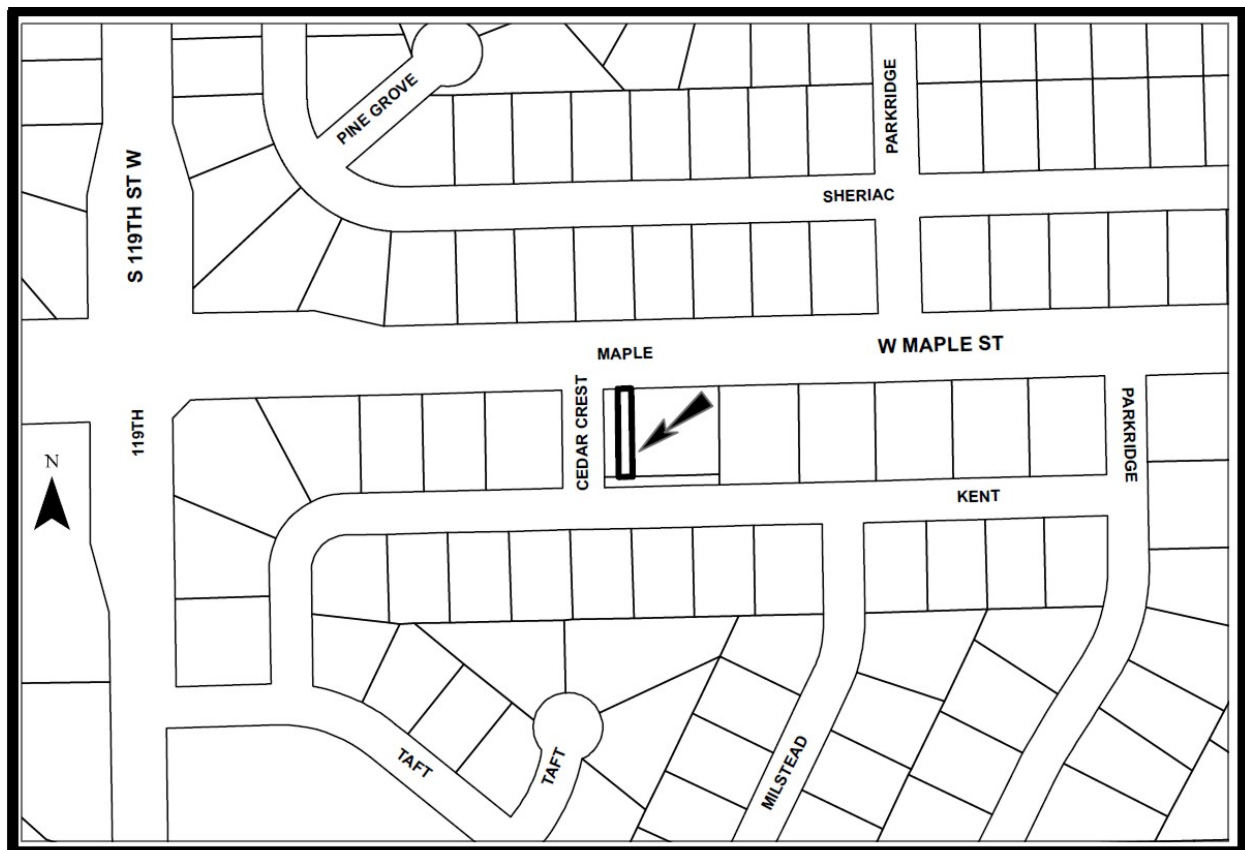
SUBJECT: VAC2014-00033 - Request to Vacate a Portion of a Platted Front Yard Setback, on Property Generally Located East of 119th Street West, on the Southeast Corner of Maple Street and Cedar Crest Road (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (10-0).



Background: The applicants propose to vacate the east 20 feet of the platted 40-foot front yard setback, on Lot 1, Block A, Millbrook Estates Addition. The subject corner lot is zoned SF-5 Single-Family Residential. The Unified Zoning Code's (UZC) minimum front yard setback standard for the SF-5 zoning district is 25 feet. If the setback was not platted the applicant could have applied for an Administrative Adjustment that would have reduced the SF-5 zoning district's 25-foot front yard setback by 20 per-cent resulting in a 20-foot setback. There are no platted easements in the described portion of the platted setback. There are no utilities within the described portion of the platted setback. The Millbrook Estates Addition was recorded with the Register of Deeds March 26, 1956.

Analysis: The Metropolitan Area Planning Commission (MAPC) voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved, as to form, the Vacation Order. The original Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order and authorize the necessary signatures.

Attachments:

- Vacation Order

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A PORTION)
OF A PLATTED FRONT YARD SETBACK)**

**GENERALLY LOCATED EAST OF 119TH STREET WEST,)
ON THE SOUTHEAST CORNER OF MAPLE STREET &)
CEDAR CREST ROAD)**

VAC2014-00033

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 13th day of January, 2015, comes on for hearing the petition for vacation filed by Calvin and Janice Briggs (owners), praying for the vacation of the following described portion of a platted front yard setback, to-wit:

The east 20 feet of the platted 40-foot front yard setback that runs parallel to the west property line of Lot 1, Block A, Millbrook Estates Addition and Cedar Crest Road, Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on October 16, 2014, which was at least 20 days prior to the public hearing.

January 13, 2015
VAC2014-00033

Page 1 of 2

2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted front yard setback and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described portion of the platted front yard setback should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of January, 2015, ordered that the above-described portion of the platted front yard setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Sharon Dickgrafe, Interim City Attorney

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

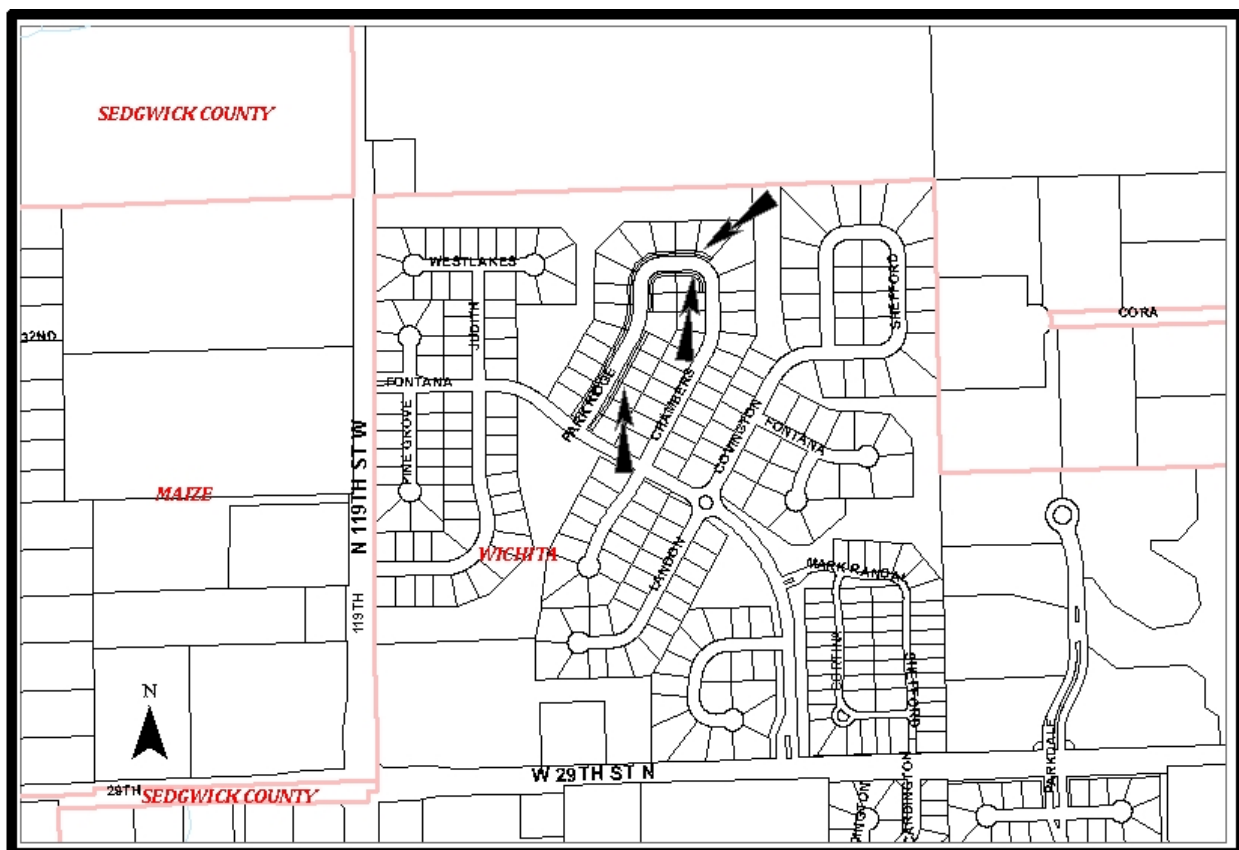
SUBJECT: VAC2014-00036 - Request to Vacate a Portion of Platted Front Yard Setbacks, on Multiple Properties Generally Located North of 29th Street North, East of 119th Street West, on the North Side of Fontana Street, on the East and West Sides of Parkridge Street and the North Portion of Chambers Street (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Staff recommends approval of the vacation request.

MAPC Recommendation: The Metropolitan Area Planning Commission recommends approval of the vacation request (8-0).



Background: The applicant proposes to vacate the inside five feet of the platted 25-foot front yard setback on Lots 34-46 (inclusive), Block 1, Lots 1-6 (inclusive), Block 2, and Lots 8-10 (inclusive), Block 2, all in the Fontana 4th Addition. All of the subject lots are zoned SF-5 Single-Family Residential. The Unified Zoning Code's (UZC) minimum front yard setback standard for the SF-5 zoning district is 25 feet. If the setbacks were not platted the applicant could have applied for an Administrative Adjustment that would have reduced the SF-5 zoning district's 25-foot front yard setback by 20 per-cent resulting in a 20-foot setback. The applicant's request does not exceed what is permitted by an Administrative Adjustment. There are no platted easements in the described portion of the platted front yard setback. There are no utilities within the described portion of the platted front yard setback. The Fontana 4th Addition was recorded with the Register of Deeds August 7, 2009.

Analysis: The Metropolitan Area Planning Commission (MAPC) voted (8-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: All improvements are to City standards and at the applicant's expense.

Legal Considerations: The Law Department has reviewed and approved, as to form, the Vacation Order. The original Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: It is recommended that the City Council follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order and authorize the necessary signatures.

Attachments:

- Vacation Order

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A PORTION)
OF PLATTED FRONT YARD SETBACKS ON MULTIPLE)
LOTS)**

**GENERALLY LOCATED NORTH OF 29TH STREET)
NORTH, EAST OF 119TH STREET WEST, ON THE NORTH)
SIDE OF FONTANA STREET, ON THE EAST AND WEST)
SIDES OF PARKRIDGE STREET AND THE NORTH)
PORTION OF CHAMBERS STREET)**

VAC2014-00036

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 13th day of January, 2015, comes on for hearing the petition for vacation filed by Socora Homes Inc., c/o Linda S. Graham, Vice-President (owner), praying for the vacation of the following described portion of a platted front yard setback on multiple lots, to-wit:

The inside 5 feet of the platted 25-foot front yard building setback on Lots 34-46 (inclusive), Block 1; Lots 1-6 (inclusive) Block 2; and Lots 8-10 (inclusive) Block 2 all in Fontana 4th, an addition to Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on October 30, 2014, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted front yard setback on the multiple lots and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described portion of the platted front yard setback on the multiple lots should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of January, 2015, ordered that the above-described portion of the platted front yard setback on the multiple lots is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Sharon Dickgrafe, Interim City Attorney

City of Wichita
City Council Meeting
January 13, 2015

TO: Mayor and City Council

SUBJECT: A15-01 - Request by Jack H. Hester, Charlene M. Hester, and Vicki A. Hester to Annex Lands Generally Located on the East Side of West Street, Approximately One-Half Mile South of MacArthur Road (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Recommendation: Approve the annexation request and place the ordinance on first reading.

Background: The City has received a request to annex approximately 2.76 acres of land generally located on the east side of West Street, approximately one-half mile south of MacArthur Road. The annexation area is bordered by property located within the City of Wichita's incorporated area on all four sides.

Analysis:

Land Use and Zoning: The annexation area consists of approximately 2.76 acres zoned "SF-20" Single-Family Residential and is developed with a single family residence. A zoning change to PUD #43 was recommended for approval for the subject property by the Wichita-Sedgwick County Metropolitan Area Planning Commission on November 20, 2014, subject to the condition of annexing the subject property. The adjacent properties are zoned "LI" Limited Industrial and are developed with various industrial uses.

Public Services: The conditions of PUD #43 permit phasing of development on the subject property based on the ability to extend water and sanitary sewer service. The applicant has filed the Lange 3rd Addition plat for the subject property. The recommended conditions of approval for the plat include payment of in-lieu-of-assessment fees for a water transmission main and a sanitary sewer main, as well requiring a guarantee for the extension of water distribution service to the subject property.

Street System: The annexation area abuts West Street, a two-lane, rural-profile section line road. The recommended conditions of approval for the Lange 3rd Addition plat limit the subject property to one access drive to West Street.

Public Safety: Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. The nearest City station is Fire Station No. 12 at 3443 S. Meridian. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

Parks: The nearest parks are Southview Park at 2215 W. 45th Street South and South Lakes Park at 2211 W. 47th Street South. Both parks are located approximately one mile east of the subject property. The Parks, Recreation and Open Space Plan recommends major renovation or development of both parks.

School District: The annexation property is part of Unified School District 261 (Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the Wichita 2030 Urban Growth Area as shown in the Plan.

Financial Considerations: The current approximate appraised value of the proposed annexation lands, according to County records, is \$37,800 with a total assessed value of \$4,348. Using the current City levy (\$32.509/\$1000 x assessed valuation), this property would yield approximately \$141 in City annual property tax revenues upon annexation. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating 18,000 square feet of industrial development with an estimated appraised value after completion of \$2.53 million. Assuming the current City levy remains about the same, this would yield approximately \$20,561 in City annual tax revenues.

Legal Considerations: The property is eligible for annexation under K.S.A. 12-517, *et seq.* The annexation ordinance has been reviewed by the Law Department and approved as to form.

Recommendations/Actions: It is recommended that the City Council approve the annexation request, place the ordinance on first reading, authorize the necessary signatures and instruct the City Clerk to publish the ordinance after approval on second reading.

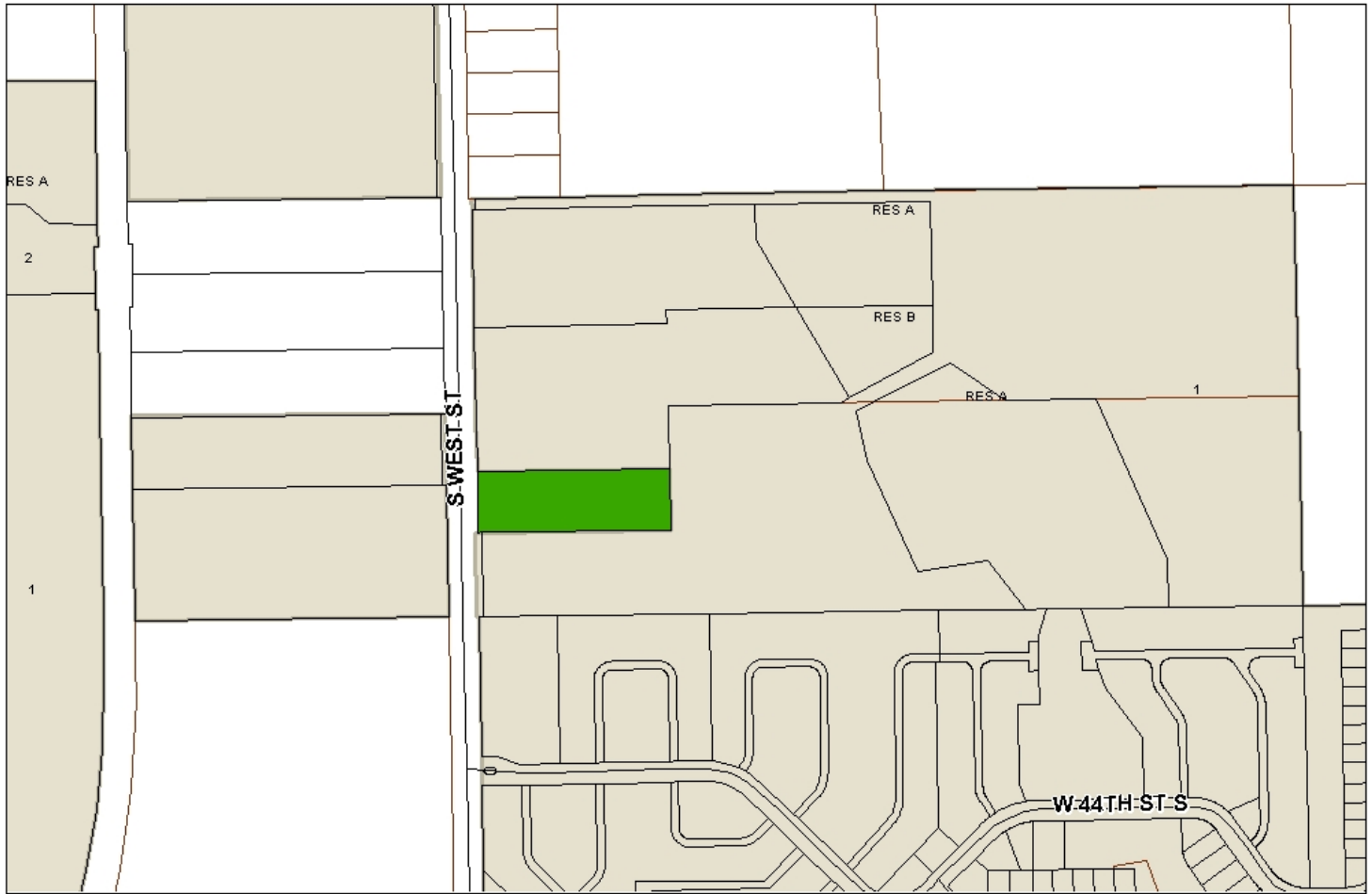
Attachments: Map Sheet
Ordinance

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

General Location: Generally located on the east side of West Street, approximately one-half mile south of MacArthur Road

Address: 4330 S. West St.		Reason(s) for Annexation:	
2.76	Area in Acres	<input checked="" type="checkbox"/> X	Request
2	Existing population (est.)	<input type="checkbox"/>	Unilateral
1	Existing dwelling units	<input type="checkbox"/>	Island
0	Existing industrial/commercial units	<input type="checkbox"/>	Other:

Existing zoning:	"SF-20" Single Family Residential
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ANNEXATION AREA

WICHITA

UNINCORPORATED



Software: ArcGIS
Map Data Sources:
City of Wichita
Sedgewick County
Prepared: 2/2015
It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center-GIS personnel make no warranty or representation, either expressed or implied, with regard to the information or data displayed.
Note: Public property represented on this map is not intended to be exclusive.

PUBLISHED IN THE WICHITA EAGLE ON JANUARY 16th, 2015

ORDINANCE NO. 49-931

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN
BLOCKS, PARCELS, PIECES AND TRACTS OF LAND WITHIN THE
LIMITS AND BOUNDARIES OF THE CITY OF WICHITA, KANSAS.
(A15-01)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,
KANSAS:

SECTION 1. The governing body, under the authority of K.S.A. 12-517, et seq, hereby annexes the following blocks, parcels, pieces and tracts of land and they are hereby included and brought within the corporate limits of the City of Wichita, Kansas and designated as being part of City Council District IV:

Lot 1, Block A, Meek First Addition to Sedgwick County, Kansas.

SECTION 2. That if any part or portion of this ordinance shall be held or determined to be illegal, ultra vires or void the same shall not be held or construed to alter, change or annul any terms or provisions hereof which may be legal or lawful. And in the event this ordinance in its entirety shall be held to be ultra vires, illegal or void, then in such event the boundaries and limits of said City shall be held to be those heretofore established by law.

SECTION 3. That the City Attorney is hereby instructed at the proper time to draw a resolution redefining the boundaries and limits of the City of Wichita, Kansas, under and pursuant to K.S.A. 12-517, et seq.

SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication once in the official city paper.

**Ordinance
(A15-01)**

Page 2

ADOPTED at Wichita, Kansas, this January 13th, 2015.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Sharon Dickgrafe, Interim
Director of Law & City Attorney

**City of Wichita
City Council Meeting
January 13, 2015**

TO: Wichita Airport Authority

SUBJECT: Air Capital Terminal 3 (ACT 3) Allowance No. 2 Budget Initiation
Wichita Mid-Continent Airport

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the project budget.

Background: The contract with Key-Walbridge for construction of the ACT 3 Terminal Building includes an identified Allowance No. 2 in the amount of \$2,773,542 to include passenger boarding bridge (PBB) installation, terminal art by Ed Carpenter, building plants, and terminal furniture and fixtures. This amount was an engineer's estimate that was created in 2009 prior to the selection of the desired furniture and PBB's. These items were kept separate from the terminal bid package to allow for the full scope of the project to be determined and the appropriate selections made towards the end of the terminal construction. This support project is included in the adopted Capital Improvement Program (CIP) separate from the ACT 3 Program.

Analysis: The Wichita Airport Authority (WAA) will not be contracting with the individual vendors but instead Key-Walbridge will enter into subcontracts with the respective suppliers after pursuing multiple options to ensure competitive pricing. Key-Walbridge will work with the selected vendors to coordinate order and delivery schedules and negotiate contract terms accordingly.

Financial Considerations: A project budget of \$3,023,542 to authorize Allowance No. 2 is requested. The allowance amount increase of \$250,000 will be funded by the existing budgeted ACT 3 program contingency funds. A change order with Key-Walbridge to incorporate the appropriate adjustment to the contract value is forthcoming. This project will be funded with Passenger Facility Charge collections, available funds of the Airport and the issuance of general obligation bonds repaid with Airport revenue.

Legal Considerations: This Allowance No. 2 was anticipated and included in the original contract approved by both the WAA and the Federal Aviation Administration (FAA). This procedure is approved as to form by the Department of Law.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the project budget.

Attachments: None.